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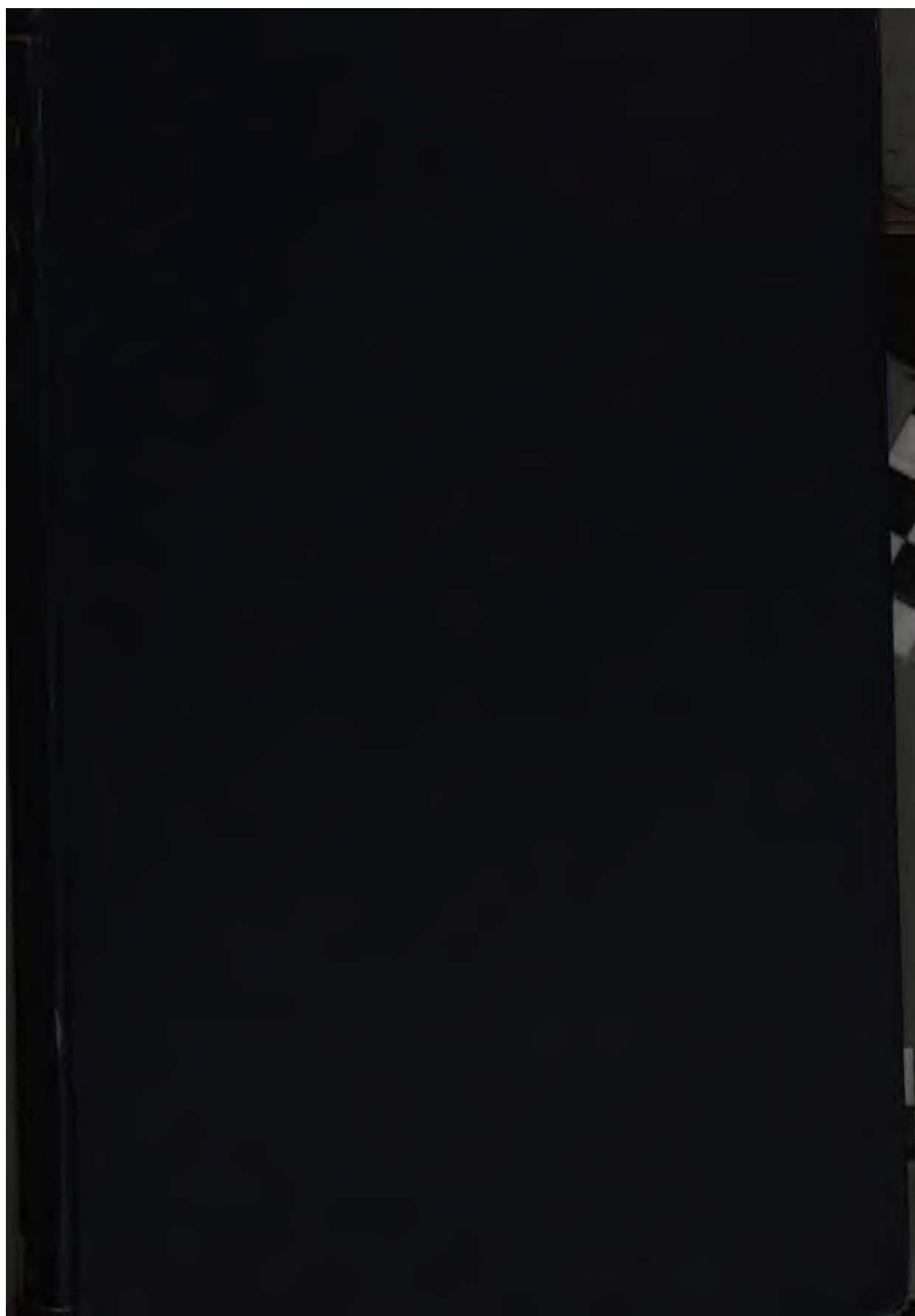
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SCOTLAND AND THE UNION
A HISTORY OF SCOTLAND
FROM 1695 TO 1747

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A HISTORY OF SCOTLAND
FROM 1695 TO 1747

BY

WILLIAM LAW MATHIESON

AUTHOR OF 'POLITICS AND RELIGION IN SCOTLAND FROM 1550 TO 1695'

GLASGOW

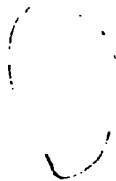
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PREFACE.

THIS work is a continuation, on a broader and more comprehensive plan, of one which I published three years ago; and the title is sufficient to indicate its scope as a history of Scotland during the period, extending from the completion of the Revolution Settlement to the enactments occasioned by the last Jacobite revolt, which may be distinguished as that of the origin, the accomplishment, and the consolidation of the Union. Such completeness as can be claimed for the epoch is political, and, to some extent, ecclesiastical. Without exceeding its bounds, it would have been impossible to do justice to social changes, other than economic, or to the rise of literature and philosophy; and I have refrained the more readily from developing these themes as I hope to have an opportunity of dealing with them as illustrations of the material and intellectual progress which was to signalise the latter half of the eighteenth century.

My principal source of information, in addition to printed volumes, has been the collection of pamphlets

in the Advocates' Library. I have derived some help from manuscripts in the British Museum and the University of Edinburgh; and, in acknowledging a more considerable obligation to the officials of the Church of Scotland, I should like to thank the Rev. James Christie, D.D., for aid in investigating the records committed to his charge.

My most cordial thanks are due to the Assistants at the Signet, University, and Advocates' Libraries, on whose unfailing courtesy and patience I have frequently imposed a heavy tax.

EDINBURGH : *October*, 1906.

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INTRODUCTION

THE period which succeeded the Revolution is remarkable in the history of Scotland for the decline of those religious and ecclesiastical interests which had dominated the country for nearly a century and a half; and, before entering on the subject of this work, it will be advisable to take such a survey of the current of affairs from the Reformation onwards as will enable us to understand how it was that ideals of a more practical nature were now taking possession of the national mind.

The Roman Catholic Church in Scotland had long been thoroughly effete; and in the middle of the sixteenth century, when it lost the support of the French alliance, it was in no condition to make resistance to its few but implacable foes. Here and there, indeed,—in the lives of such men as Bishops Elphinstone and Reid, in the liberal tone of Archbishop Hamilton's Catechism, and in a certain zeal for education—we find traces of intelligence and vigour; but these are entirely eclipsed by that carnival of confusion and riot in which, as illuminated by Lindsay's Satires, we see nobles masquerading as abbots, illiterate monks officiating as parish priests, bishops distinguished only by their profligacy from

secular barons, ecclesiastical superiors rack-renting their lands, and an utterly irreligious people bargaining with chapmen at the church door, or practising archery in the church yard. It was this unfanatical age, the outcome of a sundered religious tradition, which gave such potency to the fanaticism of the Reformation; for the really destructive element was not the scanty infusion of Protestantism from abroad, but the universal contempt for the Church which permitted preachers and interested nobles to do with it what they pleased. The ancient Church, indeed, was rather swept away than reformed; and nothing occurred to temper the violence of the revolution till the political and social forces which had hitherto driven it forward were exerted to arrest its career. We have an instance of this in the arrangement by which the Catholic prelates were allowed to retain two-thirds of their revenues for life; and we have another and more important instance in the attempt to reconcile the maintenance, if not the progress, of Scottish Protestantism with the rule of a Catholic queen.

The result of this long struggle, beginning in a protest of Knox against the Court religion, and culminating in civil war, was a victory rather for the Reformation than for the Reformed Church. For several years after her return to Scotland, Queen Mary had been loyally supported by the Protestant lords; and during these years the estrangement of the civil and ecclesiastical powers, which had originated in the refusal of the nobility to give up the abbey lands, became more and more acute. The destruction of the Queen's party in 1573 did little to appease the quarrel; for the Regent Morton, though a good Protestant, was determined to assert the royal power, and

under the leadership of Andrew Melville, the Church began to formulate pretensions which much weaker rulers than Morton might have hesitated to concede. In the Second Book of Discipline, presented to Parliament in 1578, not only was the Church reorganised on a Presbyterian basis, though Episcopacy was then established by law, but the strange principle was asserted that the magistrate "ought to hear and obey" the voice of ministers, who, though not themselves exercising the civil jurisdiction, are to teach him how it ought to be exercised according to the Word. Parliament was content rather to ignore than to reject this plea; but in 1584, when Melville claimed the privilege of the pulpit for a seditious harangue, it annihilated the theocratic pretensions of the Church in what were known amongst the clergy as the "Black Acts."

This action on the part of the State was attended with decisive results. The moderation which statesmen had sometimes succeeded in imposing on a reluctant and protesting Church was now to find advocates within the Church itself. It is a somewhat remarkable fact that, whilst the zealous, if not the fanatical, tradition within the Church of Scotland has always been ascribed to Knox, the moderate tradition may with equal truth be ascribed to Knox's colleague in the pastorate, John Craig. During the civil war between Mary and her son, when Knox was railing against the deposed sovereign and consigning her adherents to temporal destruction and eternal doom, Craig had compared the state of the Church to that of the Jews, "who were oppressed sometime by the Assyrians, sometime by the Egyptians," and had lamented that no neutral person could be found to

mediate a peace; and he had protested against the Act of Assembly which forbade prayer for the Queen. On the present occasion, after all but eleven of the ministers south of the Forth had incurred the suspension of their stipends by refusing to subscribe the "Black Acts," Craig offered to subscribe "according to the word of God"; and he and Erskine, the lay superintendent of Angus, exerted themselves so successfully in support of this reservation that in a few weeks all but a fraction of the clergy had submitted to the civil power. The extremists on their return—for Melville and his friends had taken refuge in England—petitioned in vain against the obnoxious statutes, which were strengthened rather than repealed; Craig, in answer to one of these "peregrine ministers" who had threatened King James with the fate of Jeroboam, discoursed on the duty of passive obedience; and the Assembly of 1586 elected the King's favourite minister as Moderator, and consented under certain restrictions to recognise the authority of bishops.

The Spanish Armada was now casting its gigantic shadow across the western seas; and James, in view of this great peril, committed himself to a foreign policy which even the most contentious of the clergy could not fail to approve. In 1586 the English and Scottish sovereigns concluded a "Christian league" for their defence against Spain; and, as James adhered to the league in spite of his mother's execution, and co-operated with Elizabeth during the crisis of 1588, the Crown was brought more and more into friendly relations with the Church, until in 1592 the "Black Acts," in so far as they recognised Episcopacy, were repealed, and the clergy were secured in the enjoy-

ment of their new hierarchy of Presbyterian courts. But the Armada proved as potent to rekindle as to allay strife. The Scottish Catholics, who had hitherto regarded James as a possible ally, were now tempted to seek succour from abroad; and James's measures against the Catholic conspirators, though not altogether wanting in vigour, were so far from satisfying the clerical leaders that one of them declared from the pulpit that he was no more to be trusted than Charles IX. on the eve of the massacre of St. Bartholomew, and prayed that the Lord would compel him "by his sanctified plagues to turn to him ere he perish." The zealots, however, had to reckon with the moderate sentiment which had declared itself so decisively in 1584; and this, to judge by the abuse they bestowed upon it, must have been tolerably strong. One of them complained that "a great part of the ministry were the merriest and carelesest men in Scotland"; another said "that he never thought to have seen such a general defection and coldness in his days"; and a third denounced the majority of his brethren as "Pint-ale ministers, belly-fellows, sycophants, gentlemen ministers, leaders of the people to hell," and said that many of them deserved to be hanged. It must thus have been, to a great extent, with an army of unwilling conscripts, stronger in numbers than in courage, that the Church went forth in 1596 to the best contested of all its battles with the civil power; and the "no-popery" riot of December 17, which disgusted the majority of the ministers even more than it alarmed the King, was a blow to the High Presbyterian party from which it did not recover for forty years.

In order to secure the fruits of his victory, James initiated a series of reforms extending from 1597 to

1610, the object of which was to subject the Church to certain clerical overseers, known first as Commissioners of Assembly, then as Constant Moderators, and finally as bishops. The causes, however, of which this process was the outward manifestation, are of much greater moment than the process itself. The duty of a Scottish bishop at that time, and indeed at all times previous to the Revolution, was to administer a Presbyterian system, in whose divine right to govern itself all but a small minority had ceased to believe; and the point of real importance is not the introduction of these Crown officials, but the change in the temper of the clergy which caused them to submit more or less readily to Episcopal control.¹ The Church was now undergoing a spiritual transformation precisely similar to that which was to take place after the Revolution in a much more permanent form. In the early years of the 17th as in the early years of the 18th century the zealots found themselves in what they called a declining age—an age which had grown weary of ecclesiastical janglings, and in which “gentlemen ministers” with a taste for refinement and decorum were supplanting an older school of rougher manners and a more turbulent spirit.² A system of government

¹ “The great multitude of the Ministry are desirous that Presbyteries shall stand, but directed and governed by the Bishops.” Archbishop Gladstones to James VI., April 18, 1610.

² One of the zealots thus expressed his opinion of the moderate men: “I had rather one sincere heart planted, that is brought out of nature by the work of the Spirit of Grace nor twenty or an hundred of these fyne counterfoots, for all their fyne learning. These men are the wracke of the kirk, for the graces they have are not sanctified.” Another complained of a “curious kind of preaching,” becoming daily more common, “wherethrough the people universally, for the most part, within this realm, under a shadow of religion, are entertained in atheism, without all true knowledge and feeling”—Calderwood, v. 519, 704.

which worked easily and quietly and in harmony with the civil power naturally commended itself to such men; and the leading Churchmen of this period availed themselves of their authority as bishops to repress the old fanatical leaven, just as Principal Robertson, at a time when Episcopacy had ceased to be a possible system, was to avail himself of the rights of patrons.

Unhappily, owing to the union of the Crowns, the Scottish Episcopate was subjected from its very commencement to the powerful attraction of the English Church; and to this attraction, seconded by the royal power, it eventually succumbed. James VI. acted foolishly enough when he caused three of the bishops to be consecrated in England, and still more foolishly when he attempted to enforce the ritualistic usages known as the Articles of Perth; but it was not till the accession of Charles I. in 1625 that any serious attempt was made to inoculate the hierarchy with sacerdotal ideas. At the outset of his reign Charles roused a formidable opposition by threatening to deprive the nobles of the abbey lands and by forcing them as tithe-owners to fulfil their obligations to the Church; and this last, though a much-needed reform, was a very bad introduction to his anti-Puritan designs. As James's bishops died—but most of them died too late—they were replaced by rigid prelatists, such as Maxwell, who thought the eldership a "sacrilegious intrusion upon sacred orders," and Wedderburn, who procured a new Ordinal on the ground that in the old one "the very essential words of conferring orders were left out." Ritualistic in practice, latitudinarian in creed, asserting the *jus divinum* of their office, and ever ready, in default of all other support, to prostrate it at the King's feet, the new bishops were in most

respects too illiberal, and in one respect too enlightened, for the office they held; and it was with the concurrence of these men, and without any pretence of consulting the Church, that Charles endeavoured to introduce a new liturgy more Catholic in certain essential points than the *Book of Common Prayer*.

The Puritan revolution to which this attempt gave rise was a far more popular movement than the Reformation, comprising as it did, not only the nobles and the middle class, but the mass of the people who had now been touched by a religious enthusiasm to which they were strangers in the days of Knox and even of Melville. In 1638, after more than a year of violent agitation, Episcopacy was abolished and Presbyterianism restored. War ensued; and so long as the war lasted—a war waged to determine whether Anglican or native influence should prevail in Church and State—the solidarity of the nation was fully maintained. Dissension, however, arose as soon as it became evident that there would be fighting in England, and that the Scottish Government, though Charles had made the fullest, if not the most reliable, concessions, would side with the Parliament against the King. The bulk of the clergy and four of the bishops, their dislike of Anglican innovations coinciding with the popular pressure, had thrown in their lot with the revolution; and these men helped in some degree to keep alive the moderate spirit. The first sign of resistance occurred in 1642 when several presbyteries refused to obey an order of the Commissioners of Assembly requiring them to publish a declaration condemnatory of a petition to the Privy Council against an appeal of the English Parliament for aid. The Solemn League and Covenant of the following year, which committed Scotland to a

participation in the war, evoked considerable discontent; several ministers protested against the giving up of Charles after he had sought refuge in the Scottish camp; and a good many more declined to concur in the condemnation of the Engagement, as the treaty was called, by which the Scottish Parliament agreed to assist the King in consideration of his promise to establish Presbytery in England for three years. This treaty aroused in its acutest form the antagonism of Church and State which had slumbered since 1596; and, but for English intervention, the contest would have ended now as it had ended then. The forces of the Engagement, after triumphing over clerical opposition at home, were destroyed by Cromwell at Preston and elsewhere on their southward march; and the subsequent Act of Classes, 1649, which, in excluding all but rigid Covenanters from power, placed Scotland under the heel of the Church, was inspired by him, and without his aid could never have been passed. Cromwell, however, was not prepared to acquiesce in the Royalist tendencies of Scottish fanaticism after it had made a Covenanter of Charles II.; and the reckless folly of a faction which boasted of its contempt for the arm of flesh enabled him at the last moment to snatch victory from its grasp on the field of Dunbar.

Cromwell's victory at Dunbar destroyed the ultra-Presbyterian ascendancy in Scotland which had been established as the result of his victory at Preston. Within nine months the Act of Classes was first suspended by certain Public Resolutions, and then formally repealed; and the Remonstrants or Protesters, or, as they called themselves, "the godly," were content to testify against this defection from the faith at a time

when their countrymen—Covenanters and Royalists, Engagers and Anti-Engagers—were fighting shoulder to shoulder in that forlorn effort which was to be crushed by Cromwell at Worcester, but not before it had vindicated the latent patriotism of the Church and the unity and good sense of the Scottish people. The anti-national character of the Protesters may be inferred from the fact that they seceded from the General Assembly on the very day, or rather on the very night—for it was an emergency meeting—on which, in consequence of an English victory in its neighbourhood, the Assembly adjourned from St. Andrews to Dundee. Throughout the Interregnum, though the question was now of merely academic interest, they continued to fulminate against the Public Resolutions; and an irascible pamphleteer was constrained at last to tell them that in such a crisis as that through which Scotland had lately passed it would have been lawful, had it been necessary, to make common cause not only with backsliding Covenanters but with “idolaters, Jews, Turks or Heathens.” At the Restoration of 1660 these men had become so obnoxious to the majority of the Church that several of them were deposed by the synods “for guilt in those things which concern his Majesty in defence of the kingdom”; and, if the advisers of Charles II. had known how to utilise the reaction against theocratic Presbyterianism which had now set in, especially amongst the younger ministers, it is possible, if not probable, that the Church might have been induced to acquiesce in some form of Episcopal rule. Charles’s advisers, however, were not content to wait; and the consequence was that statutory re-establishment of Episcopacy, without any ecclesiastical sanction, which caused the leading Resolutioners, and

almost the whole of the Protesters, to resign their cures.

The ejected ministers—as many of them as survived in 1690—were to become the nucleus of the post-Revolution Church; and it is important to trace the process by which the fanaticism which characterised all but a sixth of their number was gradually worn out. For seven years after the Restoration Great Britain was ruled by the Church and Cavalier party, led in England by Clarendon, and in Scotland by Middleton, and after his fall, by Lauderdale's rebellious underlings, Rothes and Archbishop Sharp; and the constant harassing of dissent which prevailed during this period provoked the Pentland Rising of 1666, in which thirty-two ministers are said to have taken part. The scandal caused by the cruel suppression of this rising, and the fall of Clarendon in the following year, enabled Lauderdale to gratify his Presbyterian proclivities by inaugurating a moderate *régime*. The effort to effect a compromise entirely failed; but a wedge was driven into the forces of dissent when the King, in virtue of his ecclesiastical supremacy, issued the Indulgences of 1669 and 1672, by which Presbyterian ministers, without being subject to Episcopal jurisdiction, were allowed to officiate in certain specified cures; for this measure not only drew off the more moderate ministers, including all the Resolutioners ejected in 1662, but, owing to the disputes it occasioned amongst the laity, impaired the influence of the rest. Lauderdale's policy, however, encouraged the extremists to defy the law; and about 1674 those monster field-meetings began to be held, the attempt to suppress which caused the Bothwell Rising of 1679. This rising was ruined by the same contentious spirit which had wrought such mischief after the battle of Dunbar. All

the insurgents disapproved of the Indulgence;¹ but, while most of them would have been content to receive help from Presbyterians whose view of that system did not coincide with their own, a minority was determined not only to testify against the Indulgence, but to disown its author, the King; and this feud, prosecuted in the very face of the enemy, secured an easy triumph to the royal troops. The fanatics who had advanced this extravagant plea were now left to themselves; and their leader, Cameron, on his return from Holland in 1680, complained that none of the dissenting ministers, with one exception, could be induced to preach with him in the fields. The excesses and absurdities of these Cameronians brought grave discredit on the Presbyterian cause; and the cruel Government of the Duke of York, pressing hard on the broken ranks of dissent, not only turned out the indulged ministers, but forced the laity to attend church and to perjure themselves by taking what they believed to be unlawful oaths. In the reign of James VII. the spirit of the Presbyterians had been so thoroughly subdued that they emitted no public protest during the King's strenuous effort to procure from Parliament the repeal of the penal laws; and in 1687, to the great scandal of the Cameronians, they consented to be sharers with the Catholics in a toleration which the latter had enjoyed for nearly a year.

It will thus be seen that when James VII. was driven from the throne towards the end of 1688, the credit and the power of Presbytery had sunk to a very low ebb; and, if the re-establishment of that system had depended on the efforts of its adherents, it could

¹ The author of *Old Mortality* made a great blunder, historically speaking, when he placed not only partisans of the Indulgence but indulged ministers in the rebel camp.

never have taken place. Circumstances in this instance were singularly favourable to the weaker side. William's desire to maintain the existing Church government was defeated by the unexpected fidelity of the bishops to King James; and, though the number of clergymen who would have resigned their charges on purely ecclesiastical grounds was scarcely larger than in 1638, the tendency to a general compliance, which would have rendered the continuance of Presbytery very insecure, was also prevented, partly from the same, and partly from a different cause. In the beginning of 1689, 200 of the clergy had been expelled from their parishes by the Cameronian rabble; and, in the course of this year, their refusal to read the proclamation in favour of William and Mary caused the ejection of nearly 200 more. Even as thus reduced, however, the Episcopal ministers were far superior in number to the Presbyterian; and hence the first step taken by Parliament in the ecclesiastical settlement was to restore to their parishes the sixty survivors of the incumbents expelled in 1662, and to empower these men and whomsoever they might associate with them to govern and to purge the Church. Episcopalians complained that, instead of fourteen bishops, there were now sixty; but the civil power in creating this artificial monopoly took pains to ensure that it should not be exercised in a tyrannical spirit. In the previous session Episcopacy had been abolished on no higher ground than because it was "contrary to the inclinations of the generality of the people." In selecting a basis for the new system the Estates passed over the whole Covenanting era and went back to the original charter of Presbytery in 1592; and in ratifying the Westminster Confession they deliberately

ignored the principle asserted by the General Assembly of 1647 as an amendment on the 31st chapter, that, where a Church was fully constituted, it had an "intrinsic power" to meet in Assemblies, with or without the magistrate's consent, as often as it pleased. Not only were the Covenants not renewed, but the Act of 1662 which condemned them as unlawful was allowed to remain in force; excommunication was deprived of its civil penalties; and the oath of allegiance was adopted, in lieu of all religious tests, as the passport to political office.

Liberal as this settlement undoubtedly was, it was better calculated to ensure the moderate temper of Presbyterians than to conciliate their opponents. In all former crises in the history of the Reformed Church ministers who had not declared their dissent from the new order were assumed to have conformed; but on the present occasion, when the Church was practically re-constituted in the hands of sixty new members, the conditions were reversed, and every minister who had not been—as the phrase was—received into communion, was understood to be outside the pale. King William, with his usual foresight, had anticipated the hardship of these terms, and had endeavoured to facilitate compliance. Where Presbytery in the Act of 1690 was declared to be "the only government of Christ's Church within the kingdom," he would have had it called "the government of the Church in this kingdom established by law"; he suggested that the persons appointed to purge the Church should be approved by the Privy Council; and he desired that all ministers, not otherwise disqualified, should be received into communion, who should declare their willingness to submit to Presbyterian government and to subscribe

the Confession, not necessarily as the expression of their personal belief, but "as the standard of the Protestant religion in this kingdom." William's comprehension scheme, however, made little progress, chiefly because the Episcopal clergy who had renounced King James, conscious both of William's sympathy and of their own strength, never really accommodated themselves to the very subordinate position which had been assigned to them by the Act of 1690, and on which, as a basis of negotiation, the Presbyterians were naturally disposed to insist. The intervention of Parliament in 1693 made the terms of conformity harder still, and in 1695 the attempt to unite the discordant elements was practically given up; for in that year an Act was passed which permitted the Episcopal incumbents who acknowledged William and Mary as lawful sovereigns, both *de facto* and *de jure*, to retain their livings, on condition that they took no part in the government of the Church.

This slight sketch will have served its purpose, if it has revealed the existence of a moderate tradition intersecting rather than running parallel with the superficial ecclesiastical divisions. It is true that Moderatism in all but the last few years of this period was associated with Episcopacy; but the importance of such a connexion is more apparent than real. Presbyterianism as founded by Knox, and reduced to a system by Melville, had a strong theocratic bias, and in the intervals of its contest for supremacy with the State—intervals which cover a longer duration of time than the contest itself—the Church naturally placed itself, or permitted the Sovereign to place it, under the control of bishops. Episcopacy and Presbytery, in fact, before the Revolution were merely different phases of

the same system ; and it was not till the failure of William's comprehension scheme in 1695 that each was established, or at all events recognised, as a separate polity.

In the ecclesiastical life of Scotland the Revolution constitutes a point of new departure, much inferior indeed to the Reformation, but inferior to that epoch alone. In 1560 the whole character of the Church—its form of government, its authority, and its manner of living, the aspect of its buildings, the meaning, the mode, and even the language of its ritual—was completely transformed ; to contemptuous indifference succeeded intemperate zeal ; and, except that the Reformers recognised the validity of Catholic baptism, there was nothing to form a link of continuity between the new Church and the old. In comparison with such an upheaval as this, the change made in 1690 appears to be extremely slight. The General Assembly had indeed succeeded to the supreme jurisdiction of the bishops ; but the ordinary routine of discipline as administered by the kirk-sessions and presbyteries went on as before ; a falling temperature continued to fall ; and one could not have discovered from the manner of public worship that the development of the Church had entered on a new phase. We have seen, however, that political rather than ecclesiastical causes had produced a displacement of ministers far greater than had taken place at either of the two preceding crises of 1638 and 1662 ; and, if we look more closely into the spirit of the age, we shall find that the Revolution marks a definite and final readjustment in the relations of politics and religion, of Church and State. Ever since the reaction which had set in after the battle of Dunbar, religious

interests had been declining in Scotland, and secular interests had been gaining ground; the ascendancy of the religious question, no longer undisputed, had been prolonged beyond its natural duration by the misgovernment of the Stewarts: and now, after a hundred and thirty years of strife, the great majority of the nation were disposed to regard the question as settled, and to devote themselves to more profitable pursuits.

CHAPTER I

COMMERCIAL EXPANSION, 1695-1700

It cannot excite surprise that the ecclesiastical settlement of the Revolution should have been followed, as we shall find it was, by a signal outburst of the national spirit; for the reaction of 1650, in which that settlement took its rise, had been caused as much by the unpatriotic conduct of the High Presbyterians as by their abuse of power, and the Public Resolutions which divided the Church during the Interregnum had been based on the sound principle that even theocracy, in the last resort, must give way to the safety of the State. The re-establishment of Episcopacy at the Restoration revived the religious strife; but the troubles that followed absorbed less attention than readers of Wodrow are apt to suppose, and throughout the reign of Charles II. it is remarkable how easily the patriotic impulse may still be traced, not only in the "very national"¹ character of so representative a man as Lauderdale, but in the efforts made to advance Scottish industry and trade. Such was the bent given by the wise measures of Cromwell to the nationality which he had suppressed. The

¹ Law's *Memorials*, p. 65.

Parliament of 1661 had been only a week in session when it appointed a committee to prepare overtures for the promotion of trade, manufactures, and navigation; and in the course of that year a long series of statutes was passed, prohibiting the exportation of materials used in manufacture and allowing these to be freely imported, naturalising foreign artisans and exempting them from taxation, enacting that Scotsmen should be preferred to foreigners in the Orkney and Shetland fisheries, authorising the formation of fishing companies, and doubling the customs duties on all goods not imported in Scottish ships.¹ In 1663 and in 1681 many similar statutes were passed, one of which empowered manufacturers to compel beggars, vagabonds, and idle persons to serve in their works;² and before the end of the reign several new industries had been introduced. In 1667 a sugar refinery and a soap work were established at Glasgow; in 1675 a paper manufactory was opened at Dalry, now part of Edinburgh; and in 1681, on the site of a former factory at Newmills, in East Lothian, two cloth looms were set up, which soon increased to twenty-five. In the same year the manufacture of stamped and gilded leather, then much used as a covering for the walls of rooms, was started at Edinburgh, and a linen manufactory, incorporated in 1673, was established at Leith. Tobacco-spinning is said to have been begun at Leith in 1672.³ It is to be feared, however, that, with the exception of the Glasgow soap and sugar works, few, if any, of these industries really took root. In 1669 was formed an association for fishing, known as

¹ *Act. Parl.* vii. 255, 259, 261, 265.

² *Ibid.* 485.

³ *Chambers's Domestic Annals*, ii. 346, 398, 418, 427, 455; *Scottish Historical Review*, July, 1904.

the Royal Company. As this company was restricted to the home market, and permitted no private person to fish without a license or to export herrings without paying a tax,¹ we cannot greatly wonder that it failed, and was dissolved by Parliament² in 1690; but, according to Fletcher of Saltoun, who calls it "that first great attempt to make the nation considerable," it had been undermined by the intrigues of the Court.³

The patriotic ambition, to which these facts bear witness, was stimulated to a great extent by conflict with a similar ambition on the part of England. As early as the reign of Richard II., when the mediaeval economy was beginning to break up, the statesmen of that country had sought to foster its maritime power. The first Navigation Act, forbidding the export or import of goods in any but native vessels, was passed in 1381; but English shipping proved unequal to the new demands, and it was not till the days of the Tudors, when the era of international rivalries had fairly begun, that the Act was renewed, at all events, in a permanent form. Henry VII., of whom Bacon said that he diverted the policy of the realm "from consideration of plenty to consideration of power," enforced the old rule, especially in the wine trade; and in the following reign, after the maritime regulations had been greatly relaxed by Wolsey, they were re-

¹ Chambers's *Domestic Annals*, ii. 331.

² On the strange ground that, though no longer doing business as a company, it still levied the tax on herrings.—*Act. Parl.* ix. 224.

³ *Political Works*, 1749, p. 59. According to another account, "a certain Great Man" had been bribed by the Dutch to embark in the undertaking for the purpose of wrecking it.—*Letter from a Member of the Parliament of Scotland to his friend at London*, 1696, p. 11.

enacted in 1540.¹ James VI., on his accession to the English Crown, made it his first object to effect a commercial union, and a treaty, providing for free trade in all commodities except wool, cattle, hides, and linen yarn, was concluded by the Commissioners of the two countries in 1604.² The treaty was adopted without amendment by the Scottish Estates on condition that it found acceptance in England;³ but the English Parliament, which had already repealed the hostile laws and an Act of Richard II. which required none to leave the kingdom without the King's permission,⁴ resented the action of James in obtaining a decision at common law that Scotsmen born after the union of the Crowns were *ipso facto* naturalised, and the treaty was allowed to drop. Nevertheless, for more than fifty years, whether designedly or through connivance, it seems to have been observed in practice.⁵

The incorporating union effected by Cromwell in 1653 not only obviated the effect of a new navigation statute aimed against the Dutch, the most stringent that had yet been passed, but removed whatever legal

¹ Cunningham's *Growth of English Industry and Commerce*, i. 338, 352, 416, 434, 435.

² Bruce's *Report on the Union*, appendix, No. xv.

³ *Act. Parl.* iv. 366-371.

⁴ Hill Burton (v. 411) says that "such invidious restraints" were removed "as had in the earlier law anticipated the restrictive English navigation Acts of later times." This is a mistake. The law repealed was not the Navigation Act of 1381, but the immediately preceding Act of the same year.—*Statutes at Large*, iii. 64.

⁵ At the conference of 1668, to be immediately mentioned, the Scottish Commissioners declared that their countrymen from the union of the Crowns had "enjoyed a free trade here, in England, and in all the dominions and plantations belonging to the kingdom of England, more than fifty and six years, without any considerable obstruction all that time."—Bruce's *Report*, appendix, No. xxxi.

objection could be taken to complete freedom of trade. The re-establishment of Scottish nationality at the Restoration put an end to this boon; and great indignation was aroused in Scotland when the English Parliament, adhering to the maritime policy of the Commonwealth, enacted that the trade with Asia, Africa, and America must be carried on in English ships, and that all the more important European products¹ must be conveyed either in such ships, or, subject to higher duties, in ships of the country to which the goods belonged.² Scotland retaliated next year in a very similar Act, offering, however, to relieve English shipping as soon as England relieved hers; the two countries adopted hostile tariffs; and in 1668 a conference was held to determine the commercial dispute.

The conference of 1668 was even more abortive than that of 1604, for no treaty was concluded, and no rule of practice evolved. The Scots asked to be admitted to the American, the continental, and the coasting trade of England; and with reference to commodities in which the colonies were confined to the home market, they engaged to import these only into England, with the exception of four cargoes in the year for their own use. The English refused to open the American and the coasting trade; but they offered as a favour to allow the Scots for six years to import continental goods on the higher scale of duties, and, during the same period, at the ordinary rate, to bring in foreign timber for the re-building of London after the Fire. The Scottish Commissioners declared that they would make known

¹The Act of 1651 made no such distinction, but it applied to imports only, not to exports. A lucid exposition of the two Acts is given in Craik's *History of Commerce*, ii. 65, 89.

²*Statutes at Large*, iii. 182.

the latter concession, but took no notice of the former; and, when taxed with their silence, they replied curtly that what they wanted was a lasting, not a temporary trade, and that alien duties would be practically prohibitive.¹ On the accession of James VII. in 1685 a new Commission was appointed, apparently without result, to confer with English statesmen as to "such things as may unite the trade of the two kingdoms";² and in the following year, with a view to procuring the repeal of the anti-Catholic laws, James assured Parliament that "we have made the opening of a free trade with England our particular care, and are proceeding in it with all imaginable application."³ Nothing further was done; but in spite of all discouragements the scanty shipping of Scotland, during these years, continued to increase. In 1656 the vessels belonging to the five chief sea-ports numbered 58, with a tonnage of 3140; in 1692 they numbered 97, with a tonnage of 5905.⁴

It thus appears that the religious troubles engendered by the re-establishment of Episcopacy at the Restoration were very far from engrossing the attention of the Scottish people, and that the national genius, embarrassed without being diverted by such disputes, was devoting itself with singular persistence to industry and trade. During the reign of James VII., short and troublous as it was, several industrial statutes were

¹ Bruce's *Report*, appendix, xxxi-xl.

² *Act. Parl.* viii. 478.

³ Wodrow iv. 360.

⁴ Mackintosh's *History of Civilisation in Scotland*, iii. 508. Of course the number of vessels belonging to a port is no criterion of its trade. In 1656 Leith and Glasgow had both about twelve vessels; but the Customs and Excise receipts at Leith for three months were £2535, and at Glasgow only £458.—Tucker's *Report on Scottish Revenues* (Bannatyne Club), pp. 28, 40, 57, 60.

passed; and no sooner had the religious, or rather the ecclesiastical, question been disposed of at the Revolution than the rival interest asserted itself with quite unexampled power. The Act for settling the quiet and peace of the Church, the finality of which is expressed in its title, became law on June 12, 1693; and two days later, in addition to five statutes for the erection or the encouragement of manufactures, an Act was passed which authorised merchants, under an assurance of all industrial privileges, to form companies for the carrying on of trade with any part of the world with which the Crown was at peace, and in particular with the East and West Indies, Africa, and the Mediterranean.¹

In the reign of Charles II. the Act of 1661 for the formation of fishing companies had been followed by the establishment of such a company in 1669; and in 1695 the Act "for encouraging of foreign trade" took shape, with far more momentous results, in the incorporation of twenty-one persons, ten Scots and eleven more or less English, as the nucleus of "The Company of Scotland trading to Africa and the Indies." Of the total capital, in shares varying from £100 to £3000 sterling, one half was to be held, if possible, by resident Scotsmen, and the shares originally subscribed by Scotsmen at home could be transferred only to such. The Company was empowered to trade with Asia, Africa, and America; to plant colonies in places not inhabited, or, with consent of the natives, in places unappropriated by any European power; to raise troops, make war, and conclude treaties. No Scotsman was to trade with any place in Asia or Africa, or, for 31 years, with any settlement of the Company in America, without its

¹ *Act. Parl.* ix. 314.

license; the commerce of the Company and all its members and servants were to be exempt from taxation for 21 years, and the Act of Navigation was suspended in its favour for ten, with the proviso, however, that all its ships must bring their cargoes intact into Scotland.¹

The projector and zealous advocate of this scheme was William Paterson, whose name in the Act heads the list of members resident in England; and the Act itself was probably sketched, if not drafted, by him.² The son of a Dumfriesshire farmer, owner of his small estate, Paterson had left Scotland about 1672, had made a considerable fortune in the West Indies, where rumour credited him with occupations so diverse as those of a missionary and a buccaneer, and, having visited the principal European countries, was now a merchant in London.³ He had given great attention to questions of commerce and finance; but, being more able to originate schemes than to carry them into practice, he acquired little permanent credit, and the alternations of success and failure in his career have caused him to be regarded as more of an adventurer than he really was. His plan for the erection of a

¹ *Act. Parl.* ix. 377.

² "Penman (as it is shrewdly guessed) of the Octroy," i.e. the Act—*Defence of the Scots abdicating Darien* (written by Herries, whom Dalrymple mistakenly calls Hodge, a renegade servant of the Company, and henceforth cited as Herries's tract), p. 2. Paterson himself, at his examination before the House of Commons, said that he submitted a scheme for an East India Company in Scotland, "but that this was not entirely followed."—*Commons' Journals*, xi. 400.

³ Baunister's *Life of Paterson*, from which these facts are taken, is a mere farrago of extracts, connected by a few biographical notes, and an utterly confused and confusing work. For example, in the contents of chapter ii. we are told that Paterson became a member of the Merchant Taylors' Company, but there is not a word of this in what follows.

national bank, proposed in 1691, was adopted by the English Parliament in 1694; but Paterson, owing to a difference with his colleagues, retained his seat as a director for only a few months; and we shall find that his fame as the projector of the Scottish Company underwent an equally sudden eclipse. A rapid review of the English trade with India will enable us to understand the origin of this scheme.

For sixty years after it had been incorporated by Queen Elizabeth on the last day of the sixteenth century, the London East India Company made no great advance. Its efforts to obtain a footing in the Spice Islands were successfully resisted by the Dutch; and on the continent of India, at a later time, its rivalry with the Dutch and the Portuguese was seriously impeded by the civil war at home. Cromwell's vigorous policy, however, made itself felt even in the far East; the charter granted by him in 1657 was renewed by Charles II.; and henceforward the progress of the company was amazingly rapid. In twenty-three years the annual value of the imports from Bengal increased from £8000 to £300,000; in 1676 the profits sufficed to double the stock; and the price of a £100 share rose from £70 in 1664 to £300 in 1681. The monopoly of Indian commerce, depending on a royal charter, the validity of which was not beyond dispute, had long been encroached upon by private traders, whose nationality enabled them to profit by the Company's privileges, and for whose lawless and even piratical proceedings the Company as an English corporation was frequently called to account.¹ The enormous gains of the trade in the latter years of Charles II. caused these interlopers, as

¹ Cunningham's *English Industry and Commerce*, ii. 269.

they were termed, to become more numerous and more active than ever; and in 1680, when England was violently agitated by the Exclusion Bill, they provoked a mutiny at Bombay and in St. Helena by spreading a report that civil war had broken out in England, and that the Company was taking part against the King. Sir Josiah Child, governor and autocrat of the India House, had anticipated these rumours by deserting the Whigs; but the new politics of the Company, which won for it the powerful support of Charles II. and James II., were confounded by the success of the Revolution, especially as at this period it was engaged in a war with the Moghul Emperor which overtaxed its strength, and from which in 1691 it had to extricate itself on singularly disgraceful terms. Meanwhile, finding that as private traders they could make little progress in the East, the interlopers had formed themselves into a voluntary association which was known as the New Company; and, on receipt of the discreditable news from India, the Commons, after vainly attempting to unite the two bodies, petitioned the King to dissolve the Old Company and to transfer its privileges to the New. Next year, the judges having decided that the charter could not be recalled without three years' notice, they requested that such notice should be given; but Child and his associates were now seriously alarmed; and in 1693, after spending nearly £90,000 in bribes, they obtained a renewal of their charter for twenty-one years, subject to restrictions which, on a previous occasion, they had refused to accept. Emboldened, however, by this partial success, they induced the Admiralty to detain a vessel which was leaving the Thames, ostensibly for a Spanish port, but really, as they believed, for Hindustan; and the

Commons not only condemned the detention as illegal, but passed a resolution, "that it was the right of all Englishmen to trade to the East Indies or any part of the world, unless prohibited by Act of Parliament." For the next five years the trade with India was nominally free; but the interlopers found that a resolution of the House of Commons was of little use to them in India; and the Old Company succeeded in frustrating their efforts to obtain a charter for themselves.¹

Such was the state of things which, as Paterson alleged,² had suggested to him the formation of an international East India Company in Scotland; and if the indifference of the English people could have been counted on with as much certainty as the favourable response of the interlopers, the scheme could hardly have failed. As soon as the Act had passed, Paterson and his associates in London began to solicit support. So great was the encouragement they received, that the total capital, which they had proposed to fix at £360,000,³ was raised to £600,000; in November, 1695, the books were opened; and in nine days the whole sum allotted to non-Scottish adventurers, amounting to £300,000, was subscribed, and £75,000, or a fourth of that sum was actually paid up.⁴ On December 4, in recognition of this success, it was resolved that one or more ships should be fitted out for the East Indies from Scotland "with all convenient speed."⁵

¹ Macaulay's *History of England*, *passim*.

² At his examination before the House of Commons, he "said he was induced to be concerned in this matter because there was no encouragement for this trade here"—*Commons' Journals*, xi. 400.

³ *Darien Papers* (Bannatyne Club), p. 1.

⁴ *Original Papers and Letters relating to the Scots Company*, p. 21.

⁵ *Commons' Journals*, xi. 406.

The promoters, however, seem to have been conscious from the first that the more the scheme prospered, the more it was likely to be opposed. Paterson's first idea had been that the designs of the Company "ought only to be discovered by their execution," and that no public step should be taken till after the rising of the Parliament which was to meet for the first time on November 22, "especially when a great many considerable persons are already alarmed." Two months later, on September 3, having discovered that the scheme had taken so much "air" that nothing but mischief was to be expected from delay, he impressed upon his friends at Edinburgh that their object must be to get the Company established before Parliament met;¹ and on the 26th the Company thought it necessary to caution its members to endeavour to meet objections "without heat or reflection," on the ground that rumour accused some of them of speaking "reproachfully and contemptibly of the power of the government and people of England."² The ill temper which had thus been aroused at so early a stage was much increased when the meeting of Parliament enabled the English chartered companies to make formal complaints. On December 13 the Commons concurred with the Lords in an address to the Crown in which they represented that the privileges conferred on the Company by the late Act of the Scottish Parliament would be fatal to English commerce;³ and the Commons seized the books of the Company, cited Paterson and the other Directors to appear at their bar, and resolved—though nothing came of the resolution—that each and all of them should be impeached of "high crimes

¹ *Darien Papers*, pp. 1-3, 6.

² *Commons' Journals*, xi. 401.

³ *Lords' Journals*, xv. 611; *House of Lords' Manuscripts*, New Series, ii. 3-24.

and misdemeanours."¹ King William replied to the address that he had been ill served in Scotland, but that he hoped a remedy might still be found; and in the following year the Marquis of Tweeddale, Lord High Commissioner, and Johnston, the Secretary of State, were both dismissed. Meanwhile, all but five of the London members had withdrawn, and of the £300,000 subscribed, only £15,000 remained.²

Whatever reason the Scots may have had to resent these proceedings, their resentment can hardly have been embittered by surprise. The monopoly of the East India trade had been challenged, if not destroyed, by a resolution of the House of Commons; but the privileges denied to the old Company had not been granted to the new; and the interlopers must have reckoned with the wrath of Parliament when they attempted to make a Scottish do duty for an English statute. Moreover, there were provisions in the Act which could not fail to excite alarm. The Lords, in their address to the Crown, laid stress on the clause which exempted the commerce and capital of the Company from taxation for 21 years. They said that the result of this would be that English capital and shipping would be attracted to Scotland; that Scotland would supplant England as an emporium for East Indian commodities; and that these commodities would be smuggled into England on such a scale as would fatally injure the customs, commerce, and navigation of the realm. They referred also to another clause of the Act in which the King promised to exert his authority to

¹ *Commons' Journals*, xi. 407.

² *Darien Papers*, p. 13. The five who stood their ground were Paterson, James Smith, James Campbell, Daniel Lodge and Joseph Cohen D'Azavedo, each with £3000.

obtain reparation for any damage suffered by the Company, "and that at the public charge"; and, as Scotland had no navy, and no means of maintaining a navy, they expressed their apprehension that the Company, in running away with English trade, was to be protected by the English fleet. This, though not the meaning of the Act, would probably have been its result; for, even if Scotland had been able to defray the cost of such an undertaking, it is difficult to see how William could have made war on her behalf without involving England as well.

As foreigners were no less entitled than Englishmen to subscribe, the defeat of the Company's efforts in London was not necessarily fatal to its original design; but, before appealing to the Continent, the Directors resolved to secure their position at home. In this they had the assistance both of Paterson and of Lord Belhaven whom, though a Scottish peer, the Commons had attempted to impeach; the address of the two Houses, without the King's answer, calculated as it was both to inflame the national spirit and to advertise the advantages of the scheme, was printed and reprinted at Edinburgh; Rochester, who had moved the address in the Lords, was burned in effigy; and, when the books were opened on February 26, 1696, public feeling had been fully aroused. The Company cannot have hoped to repeat its success in London, where £300,000 had been subscribed in little more than a week; but, in proportion to the financial resources of the country, it probably did better still. On the first day a sum of £50,400 was subscribed; and, though the books were not closed till the first of August, the great bulk of the capital, which was now to be £400,000 instead of £300,000, had been subscribed before the end of May.

It appears, however, that the last few thousands required to complete the stock were promised by individual members on the Company's credit.¹

In the autumn of this year several delegates, including Paterson, were sent over to Holland, chiefly to promote the extension of the Company, but also to procure the building of some ships. What had happened at London was now repeated at Amsterdam: that is to say, the independent traders showed a great disposition to join, but in the end, owing to the action of the Dutch East India Company, were compelled to hold aloof. Hamburg, to which the delegates next applied, had no direct trade with India;² and here for some time they plied their solicitations with every prospect of success. The £200,000 necessary, with the Scottish £400,000, to complete the stock, had indeed been promised, when in April 1697, Sir Paul Rycaut, the English Resident, presented a memorial to the Senate, in which King William declared that the agents of the Company had no authority from him, and that he should regard any treaty made with these his subjects as an insult to his Crown. This declaration, though it did not deter the merchants from opening a subscription, caused them to stipulate that no money should be paid till the threats uttered by William had been recalled; and from June of this year to December of the next the Council-General of the Company at home presented petition after petition to this effect.³ In reply to the first address, which reached him on the

¹ *Darien Papers*, pp. xxiii., xxiv.

² Herries's tract, p. 18.

³ The first address of the Council-General to the King was drawn up on June 28, 1697.—*Original Papers and Letters relating to the Scots Company*, p. 6. The letter printed on p. 480 of the *Carstares State Papers* should thus be dated June 1697, not 1699.

Continent, William promised to consider the matter on his return, and meanwhile to give orders that his name should not be used at Hamburg to the Company's prejudice; but Sir Paul Rycaut, when this answer was communicated to him, said that he had received no such commands; and a year later, in October 1698, he "seemed to insinuate" that he had private orders to persist in opposition, and was frank enough to say that, if the English Government had not already taken the step complained of, they would take it now.¹ Paterson and the other delegates had gone home after the presentation of the memorial, leaving one Stevenson to conduct these dealings with Rycaut; and such was the discouragement caused by their report, that two of the Directors proposed that the scheme should be abandoned, and the Company's ships and other property sold off.²

Whether the proceedings that followed were a new scheme or a new development of the old is a question not easy to decide. The Act constituting the Company empowered it to direct its operations to any part of Asia, Africa, or America; but up to this point the whole opposition to the project had been based on the assumption that it was intended to secure a participation in the East Indian trade. The two Houses, indeed, in their address to the King, alluded to what would happen if the Scots should form a settlement in America, but this passage must have been suggested merely by the wide scope of the Act; for, when they mention the Company by any but its formal title, they

¹ *Original Papers and Letters relating to the Scots Company*, pp. 4, 9, 22, 30. Yet William had told Seafeld—so at least Seafeld said in his speech to Parliament in the preceding August—that he had given orders to Rycaut not to oppose the Company.—*Carstares State Papers*, p. 417.

² Herries's tract, pp. 21-24.

call it "the Scotch East India Company," and Paterson, at his examination by the House of Commons, said that it was for the establishment of such a company that his services had been engaged. At the same time it is impossible to believe that Paterson can ever have been more than half-hearted in his advocacy of such a scheme. It was not in the East Indies, but in the West, that his colonial experience had been gained; from a memorial drawn up by himself it appears that he had projected a colony on the isthmus of Darien as early as 1684; and we know that a year or two later he was attempting to further this enterprise at Amsterdam, and also, it is said, at Hamburg and Berlin.¹ In 1700, when the Darien project had run its disastrous course, a Scottish pamphleteer was audacious enough to assert that it had engrossed attention from the first, that the Company had had no design, or at all events no immediate² design, of prosecuting a trade with India, and that, if the Lords and Commons who opposed it on this ground had appointed a committee to confer with the Scottish Parliament, they would have discovered their mistake.³ In disproof of this statement, if disproof be needed, it is enough to refer to the resolution of the Directors, already mentioned, that one or more ships should be fitted out for the East Indies "with all convenient speed." Nevertheless, there is evidence that the American project was being pushed forward at an early and most unlikely stage. Two pamphlets in defence of the Company profess to have been penned at the

¹ Letter of Robert Douglas in Bannister's *Paterson*, p. 151; Herries, p. 3.

² The qualification, as we shall see, is important.

³ *Inquiry into the Causes of the Miscarriage of the Scots Colony at Darien*, p. 16.

crisis of its fortunes in England, that is, between the presentation of the joint address and the examination of the Directors by the House of Commons. The first of these, dated January 1, 1696, is written, as one would expect, entirely from the East Indian standpoint;¹ but the second, dated January 4, in all its eleven folio pages, makes not the least mention of India, and claims support for the Company on the ground "that it will infallibly settle plantations abroad, particularly in America."² If this tract was inspired by Paterson, as in view of the praises bestowed upon him by the writer, is not improbable, it places his loyalty to his superiors in a very questionable light.³

On the whole, it would seem that some of his countrymen, in their anxiety to procure the co-operation of the English interlopers, had applied to Paterson, as a man known to have had a hand in the starting of the Bank of England and other financial schemes, to form an international East India Company in Scotland; that Paterson, with much apparent zeal, had fallen in with this design, whilst labouring in private to subordinate,⁴ if not to sacrifice, it to his own; and that, when the interlopers drew back, he succeeded, by slow degrees, in carrying his point. In the summer of 1696 the

¹ *Seasonable and Modest Thoughts partly occasioned by and partly concerning the Scots East India Company.*

² *Letter from a Gentleman in the Country to his Friend at Edinburgh.*

³ Robert Douglas, to be immediately mentioned in the text, accused Paterson of obstructing the East Indian design in England, and of trying to wreck it by procuring the appointment, as Directors, of persons interested in the English East India Company.—Bannister's *Paterson*, p. 152.

⁴ Paterson, like Columbus, proposed to reach India by the west; but Douglas said that "he deceives the Company in one of his principal ends proposed," inasmuch as the voyage to India from Darien would be longer than from the British Isles.—*Ibid.* p. 156.

Directors more than once expressed their gratitude to Paterson for his "maps and other papers of discovery";¹ and in a letter dated September 5, Robert Douglas, a Scottish merchant in London, complains that the East Indian trade has been rejected, and that Paterson, "who converses in darkness," is intriguing more busily than ever in favour of a settlement, apparently on the isthmus of Darien, which "will alter the whole method of trade in Europe, and effectually ruin both the English and Dutch East India Companies, because it opens a shorter, safer, and more convenient way of trade to the East Indies, by the South Sea of America, than from England or Holland."² A few weeks later, as we have seen, Paterson set out on his mission to Amsterdam and Hamburg; and, this being the final effort to open up a direct trade with India, a more suitable agent might surely have been found. According to one of his associates, Paterson beguiled the merchants of Hamburg with the idea that their city was to become an emporium for East Indian goods, whilst he "wanted only their money to raise forces to overrun Mexico and Peru."³

Paterson believed implicitly in the boundless possibilities of his project, and the fervour of his advocacy savoured almost of religious zeal. The isthmus of Darien or Panama was, in his estimation, the "door of the seas and the key of the universe"; a Scottish colony planted on this neck of land would draw to itself the commerce of both the Atlantic and the Pacific; wafted by the trade winds, and transferred in a single day's journey from sea to sea, the commodities of

¹ *Darien Papers*, pp. 11, 19.

² Bannister's *Paterson*, pp. 148-158.

³ Herries, p. 18.

Europe, America, and the West Indies would be exchanged here for those of the East Indies, China, and Japan; and "the universal force and influence of this attractive magnet" would "enable its proprietors to give laws to both oceans, and to become arbitrators of the commercial world, without being liable to the fatigues, expenses, and dangers, or contracting the guilt and blood of Alexander and Caesar."¹

It must seem strange that a scheme of such promise as this should have been rejected by so great a maritime Power as Holland, and yet find favour with the Scots; for, however pacific the objects of the colony might be, it could not be established, or at all events maintained, by the arts of peace. Paterson had persuaded himself that enough of Darien remained unappropriated to form a considerable hiatus between the Spanish viceroyalties of Mexico and Peru; but he must have been a very simple person if he imagined that his countrymen would be allowed to settle in this territory without opposition on the part of Spain. The Bay of Acla,² on which he had set his heart, was situated almost midway between the two ports to which the Spanish galleons sailed every year from Seville—Carthagená, the strongest fortress, and one of the wealthiest cities in America, being about 140 miles to the east, and Portobello about 100 miles to the west; and the Scots, when they settled in the Bay, were so completely encompassed by Spanish settlements at even closer range that the pamphleteers who defended the colony were constrained to point

¹ Letter of Paterson in Dalrymple's *Memoirs of Great Britain and Ireland*, ii. 93.

² Now Caledonia Bay, almost in the same latitude as Panama, but on the opposite side of the isthmus, and a little further north.

in its justification to such *imperia in imperio* as Ceuta in Morocco and Orange and Avignon in France. A dozen leagues from the new settlement slaves under Spanish masters were digging for gold, and on an island within five miles a small Spanish garrison had been massacred by the Indians only two months before the Scots arrived.¹ These Indians, indeed, owing to the extreme unhealthiness of their climate, were tolerably free; but their chiefs, lurking in the depths of forests, over which, in Paterson's imagination, they exercised a princely sway, had assumed Spanish names, spoke Spanish, and their wives, after the Spanish fashion, are said² to have worn veils. The Scottish pamphleteers argued to little purpose that the integrity of the Spanish dominions had been violated at various other points—that the English had formed a settlement in Campeachy Bay, that the French had settled in San Domingo and at the mouth of the Mississippi, that both the French and the Dutch had established themselves in Guiana, and the Portuguese in Brazil; for in all these instances, had they been more relevant than they were, the Spaniards would probably have resisted if they could; and in this case it was certain that they both could resist and would. A territory so important from its position, and so closely adjacent to the chief seat of their power, was not to be abandoned without a struggle; and they could not stand in much awe of a nation whose naval force was represented by four foreign-built ships, whose ordinary

¹ *A Just and Modest Vindication of the Scots Design for the having established a Colony at Darien*, p. 91; *A Short Vindication of Phil. Scot's Defence of the Scots Abdicating Darien*, p. 26. "If the Spanish title is to be allowed in any part of America, it is here."—Douglas's letter in Bannister's *Paterson*, p. 151.

² Herries, p. 164.

revenue was some £110,000 a year, and the disavowal of whose enterprise by the English Government exposed its colonists to be treated as little better than buccaneers.¹

Apart, however, from the certainty of a conflict with Spain, the promoters of the enterprise, at all events those of them who had resided in England, ought to have recognised that Scotland at that time had neither the experience nor the resources necessary to make it a success. On this subject the strangest delusions prevailed. Because Scotsmen went away in great numbers every year to push their fortunes abroad, and as many as 10,000, it was said, were to be found in Poland alone, the country was supposed to be more densely peopled, in proportion to its size, than any other state. If a colony were founded, the annual overflow of population would be turned to good account, and the nation, "without destroying of them," would get rid of its "loose idle people," and especially of "the scum of our idle young women." The industries so carefully nursed by Parliament for more than a generation were supposed to have provided "native commodities," chiefly woollen, "exactly suiting the necessities and exigencies of an American plantation"; and such a plantation, if only it could be established, would act like a charm. "We shall no sooner feel the sweet of this company than we

¹ "I heard it declared by some understanding merchants in America that unless we could be masters of the sea upon this coast, and keep up a power here superior to that of Spain, we could never expect to keep that place."—Borland's *History of Darien*, edition 1779, p. 96. On August 12, 1699, shortly before the third expedition sailed, the Lord Advocate wrote thus to Carstares: "Whether it succeed or not, it is like to have ill consequences; for, if it prosper, it is but a state of war, which we cannot maintain with the Spaniard, but must soon be exhausted; and if not, yet much is laid upon it; and we will be ready enough to blame whom we should not blame."—*Carstares State Papers*, p. 490.

will drink more wine and live higher every way."¹ The truth, of course, was that the population of Scotland was only too sparse, and that, sparse as it was, it could not subsist even at the current standard of comfort—a standard so low, that an addition of sixpence sterling a week to their wages would have enabled the peasantry to marry at eighteen or twenty years of age, instead of waiting till they were thirty;² and the vain hopes, to which Paterson's unhappy project had given rise, were only one of many signs that the aptitude of the nation for colonising was no further advanced than its means.

When Paterson returned from his mission to Hamburg in the spring of 1697, he found that the Company, which had hitherto employed him more as an agent than as a guide, was now to dispense with his services and to appropriate his ideas. In order to defray the cost of shipbuilding and other charges, he had been entrusted with a sum of £20,000 or £25,000, which, in anticipation of a rise in the rate of exchange, he had paid over with more haste than discretion to one Smith, a broker in London. This affair was very injurious to his credit; for Smith,

¹ *Letter from a Gentleman in the Country to his friend at Edinburgh*, pp. 6, 8; *Some Seasonable and Modest Thoughts*, etc., p. 14.

"As our Valour flew all Europe round,
So now our Trade scarce both the Poles shall bound."

Caledonia Triumphans.

A poetess, less indubitably inspired, puts the case thus:

"All men that has put in some stock
to us where we are gone;
They may expect our Saviour's words,
a Hundred reap for one."

The Golden Island or the Darien Song, etc. By a Lady of Honour.

² *A Letter from a Gentleman in the Country*, etc., p. 10. This fact, if such it is, may have some ethical import.

after disbursing the greater part of the money in his hands, decamped with the £8,300 that remained ; and, though the two persons appointed to enquire into Paterson's conduct exonerated him from blame, and recommended that he should be retained in the Company's service, this recommendation took no effect.¹ Paterson was indeed to go to Darien, but to go, or rather to start, as a volunteer.

In November, 1697, two of the Company's ships, the *Caledonia* and the *St. Andrew*, arrived at Leith from Hamburg ; and these were soon followed by the *Unicorn*, which had been built at Amsterdam. It was intended that the expedition should sail in spring ; and the Directors had for some time been engaged in purchasing a miscellaneous cargo, consisting partly of weapons of war, partly of axes, saws and other implements of pioneer work, and partly of those native commodities "exactly suiting the necessities and exigencies of an American plantation" which were to be the materials of a traffic, more or less illicit, with the Spanish and English West Indies. These last included a certain quantity of Scottish and Hamburg linen, but consisted chiefly of tweeds and serges, coarse stockings and caps, and as many as 4000 periwigs, none of which articles of apparel were likely to be worn in the tropics, and of 1500 English Bibles—a commodity which would be useless to the Spaniards and Indians, and which the English planters, whatever use they made of it, might be expected to possess.²

¹ Bannister's *Paterson*, pp. 160-166.

² In reference to another and later cargo, the Council of the Colony wrote to the Directors : "We cannot conceive for what end so much thin grey paper and so many little blue bonnets were sent here, being entirely useless, and not worth their room in a ship."—*Darien Papers*, p. 243.

In July, 1698, after long delay due to mismanagement and want of funds, the expedition, as a final step, was placed under the command of seven councillors; and, as the ships in April had been provisioned for nine months, they sailed on July 26 with provisions for only six.¹

The colonists started under sealed orders, on opening which at Madeira they shaped their course for Crab Island in the vicinity of Porto Rico. Their attempt to take possession of this island in name of the Company was anticipated by the Danes; and, as few or none of them had any knowledge of the Central American coast, they were fortunate in falling in with an aged buccaneer, named Alison, under whose guidance they arrived in the Bay of Acla about November 2. Here they were well received by Andreas, an Indian chief, who affected the Spaniard "in the gravity of his carriage," and less successfully in the style of his attire, which consisted of "a loose, red stuff coat," an old hat, and a pair of white drawers; and, Andreas having made them free of his dominions, they proceeded to build a fort, which they called St. Andrew, intending to make it the nucleus of a settlement which, as the capital of Caledonia, was to be New Edinburgh.²

¹ Herries, pp. 22-27. The fleet consisted of the *Caledonia* and *St. Andrew*, of 60 to 70 guns each, the *Unicorn* of 46 guns, and the two tenders or "pinks," the *Dolphin* and the *Endeavour*. Herries was purser on board the *Caledonia*.

² *Darien Papers*, pp. 64, 181; Herries, p. 50. New Edinburgh and New Caledonia were merely names, as no huts were ever built outside the fort.—*Darien Papers*, p. 209. From the lucid description of Herries, illustrated by the map prefixed to these *Papers*, it appears that New Edinburgh was a piece of low-lying ground, about 30 acres in extent, at the end of a hilly peninsula forming the outward arm of a lagoon or harbour, about $2\frac{1}{2}$ miles long, within the Bay of Acla. Fort St. Andrew, with its 16 (not 50) guns, commanded the mouth of the har-

Notwithstanding scarcity of provisions, bad bread and unwholesome water, the voyage from Scotland to the West Indies had been accomplished without serious loss, only fifteen persons, it was reported,¹ having died out of a total, including seamen and colonists, of 1200. The defects in the conduct and in the equipment of the expedition had, however, been evident from the first, and they soon made themselves felt. Of the seven persons who constituted the council, one was detained at home; and during the five or six days spent at Madeira, Paterson, who had sailed as a volunteer, was elected to the vacant post.² In spite of personal jealousies, resulting in no "little hector and Billingsgate," the councillors were divided into two hostile groups, according as the experience of each had been gained on sea or on land; and, though the election of Paterson placed the "fresh-water men" in a majority of one, the "Marine Councillors" wielded the most absolute authority during the voyage, and refused to relinquish it on shore. In order to put an end to this friction, Paterson proposed that a president

bour; and the narrow neck of land connecting the settlement with the peninsula was traversed from sea to sea by a rampart and trench. The following description of the country as it appeared to the settlers at their first landing may well be quoted: The "hills are clothed with tall trees without any underwood, so that one may gallop conveniently among them many miles, free from sun and rain, unless of a great continuance. The air makes on the tops of the trees a pleasant melancholy music, so that one of the colony considering the coolness, pleasant murmuring of the air, and the infinite beauty of a continued natural arbor, called them the shades of love."—*The History of Caledonia, or the Scots Colony in Darien; by a Gentleman lately arrived*, p. 18.

¹*Darien Papers*, p. 80. According to another account, 44 persons died during the voyage, and 28 after landing.—*Marchmont Papers*, iii. 177.

²Herries, p. 36; M'Crie's *Veitch and Brysson*, p. 223. Paterson's biographer makes no mention of this.

should be appointed for a month; but, in spite of his protest that such a plan would "make a mere May game of the government," it was decided that the office of president should change hands every week.¹

There were other causes, however, more potent for mischief than even the disunion of the council and the misconduct of the officers, who, it seems, were generally idle and often drunk. When the colonists landed, they had supplies for barely three months; and the work of clearing, digging, and fortifying, exhausting enough at best, had thus to be prosecuted on very short commons—so short, indeed, that in order to procure plantains from the Indians, some of the men parted with their shirts.² It is true that several ship-loads of provisions reached the colony from Jamaica, the first about December 20; but, in the dearth of money and credit, provisions could be had mainly, if not only, in exchange for goods; and the goods, as we have seen, were so ill-suited for barter that the supply of food obtained in this way was more welcome than large.³ Owing to a want of sufficient nets and boats, there was a difficulty even in catching turtle and fish. In the course of the next year, 1699, the condition of the colony went rapidly from bad to worse. In February both the tenders were sent out to barter goods for provisions; but the *Dolphin* was captured by the Spaniards, and the *Endeavour*, after battling for a month with unfavourable winds, was driven back. In April it was discovered that some malcontents had conspired to run away with the *St. Andrew*; and just

¹ *Darien Papers*, pp. 127, 180, 181, 187.

² Herries, p. 147; *Darien Papers*, p. 210.

³ It appears from both Paterson and Herries that several of the Jamaica sloops left the colony "without breaking bulk."

at this moment two councillors insisted on following another of their number who had already gone home. In May the colonists learned that two sloops, freighted for Caledonia, had been detained at Port Royal, that the Governor of Jamaica had forbidden the islanders to trade with or assist them, and that the Spaniards, whom they had already encountered in a slight skirmish, were preparing to attack them in force. During all these months they had looked in vain for assistance or even for tidings from home; pestilence and privation were claiming nearly a dozen victims a day; and the Council, composed as it now was of more capable men, decided at last that the enterprise must be given up. Paterson stoutly combated this resolution, though his wife had died, and he himself was prostrated with fever; but his entreaties and remonstrances were of no avail. On June 20 or 21¹ the colonists, now reduced to 900, set sail for whatever port they might be able to reach.²

When the news of the abandonment reached Scotland on September 19, the Directors scouted it as a malicious rumour concocted by one of the English Secretaries of State; but on October 10 they were convinced of its truth. The *Caledonia* and the *Unicorn* had arrived at New York, the latter almost a wreck; of some 600 men embarked on the two ships, 250 had died; and amongst the gaunt and fever-stricken survivors every day was adding to the number of deaths. The *Endeavour*, though its crew was saved, had foundered at sea. The *St. Andrew*, pursued by a Spanish fleet, had taken refuge at Bluefields in

¹ June 29 mentioned by the Directors (*Darien Papers*, p. 165) is certainly a mistake.

² *Darien Papers*, pp. 102, 182, 186-194.

Jamaica, and, with assistance from shore, had been brought round to Port Royal, after losing most of its officers and over 130 men.¹ The refugees at New York were too dispirited to write; and the Directors, who had heard of their arrival from the agent of an English firm, abused them heartily for their silence as well as for their "infatuated proceedings," their "shameful and dishonourable abandonment of Caledonia"; and, as "a great condescension" to such betrayers of their country, sent them orders to go back. Meanwhile, as we shall see, a large auxiliary expedition had been despatched to Darien; and the Directors, in their letters to the second batch of colonists, lost no opportunity of reflecting on the first, whom they denounced in unmeasured terms for their "disagreements and factious jarrings," and as persons "void of both religion and morality," who "neither feared God or regarded man."²

The Directors would have done well to consider whether they themselves were not mainly responsible for the disaster which had provoked them thus to revile a body of men, the majority of whom, however unworthy, had paid for their follies with their lives. They had despatched some 1200 seamen and colonists to America with a stock of provisions sufficient to maintain them after their arrival for barely three months, and with very little money to buy more. They had, indeed, provided them with a large supply of goods; but these were found to be "damnified" in

¹ The climate of Panama then as now was notoriously bad; but the survivors persisted in calling it "very wholesome," and attributed the sickness and mortality to "mere want." A Frenchman told Paterson that his countrymen in San Domingo were beginning to use the isthmus as a health resort.—*Darien Papers*, pp. 148, 191.

² *Darien Papers*, pp. 143-150, 163-165, 266, 270, 271.

the packing and "extravagantly overrated"; they were contraband in the Spanish West Indies, and, under certain conditions, in the English; and, as we have seen, they were of such a character that they were not likely to be smuggled. The heads of the expedition, having failed to touch at Orkney, had written from Madeira to intimate their need; but their letters, dated August 29, were not answered till February 24; and, the brigantine of 140 tons despatched on that occasion having been wrecked in the Hebrides, no supplies were sent till two vessels sailed from Leith on May 12.¹ In excuse of their remissness, the Directors pleaded the dearth which had prevailed in Scotland since August 1696, and which had become serious, shortly before the expedition sailed, in the summer of 1698; but, if the colony could not be supplied from home, they ought to have furnished it with credit, as they afterwards did for this very reason, in the English plantations; and in the letters which announced the arrival of the ships at New York the belief was expressed that, if this step had been taken in time, the colonists "in a thriving condition" might have remained where they were. It was not till April 18 that the Directors resolved to appoint a factor at New York; and, despite a proclamation similar to that which had been issued in Jamaica, supplies were on the point of being sent when the *Caledonia* and the *Unicorn* arrived.²

Disastrous as had been the beginning of the attempt to found a colony on the isthmus of Darien, its sub-

¹ "The delaying of sending the ships, which went with Jamisone, six months almost longer than they might have been despatched, has in all probability occasioned what has followed."—*Marchmont Papers*, iii. 179. See also *ibid.* pp. 186, 187, 198.

² *Darien Papers*, pp. 121, 124, 127, 131, 145, 148, 149, 287.

sequent stages proved more disastrous still. The 300 men embarked on the two ships, under Captains Jamieson and Stark, which sailed from Leith on May 12, 1699, arrived at Caledonia in the beginning of August without the loss of a single life; and bitter indeed must have been their disappointment on entering the harbour to find only an overgrown clearing in the forest, a dismantled fort, and the charred remains of a few huts. They resolved, indeed, to await the coming of the larger expedition, of which they had gone in advance; but, within a few days of their arrival, Jamieson's ship, the *Olive Branch*, on which were most of the provisions, was burned or blown up, through the carelessness of some of the crew who went into the hold to draw brandy with a lighted candle; and, with the exception of about a dozen, they then withdrew in the remaining ship to Jamaica, where most of them died.¹

The third expedition was rather more numerous than the first, consisting of about 1300 men in four ships, the *Rising Sun*, a Dutch-built ship of 60 guns, the *Hope*, and the two chartered vessels, the *Duke of Hamilton* and the *Hope of Bo'ness*. When this force sailed from Rothesay on September 24, 1699, the Directors had not only received the report, which they professed to disbelieve, that the settlement had been abandoned, but, lest it should prove true, had sent an express to detain the fleet till a councillor of the first expedition, who had left Caledonia in April, should arrive with fresh instructions. The council on board the *Rising Sun* took this to mean that they were to be superseded, for a Glasgow Director had com-

¹ *Darien Papers*, p. 267; Borland's *History of Darien*, pp. 25, 26; *Historical MSS. Commission*, 12th Report, appendix, pt. viii., p. 59.

plained of their conduct, and had threatened, "if they did not mend their manners," to procure the recall of their commission; and, the express having reached them at ten on a Saturday night, they sailed at nine the next morning, in such haste that they did not wait for some provisions which they had ordered, or even for the party which they had sent to bring them on board. At Montserrat in the West Indies, off which they arrived on November 9, they heard the same sinister rumour which had greeted them as they left the Clyde; and, when on the 30th they cast anchor in Caledonia Bay, they found its shores untenanted, and nothing on the water but two small sloops which had come with provisions from New York, and one of which was manned, under Captain Thomas Drummond, by some survivors of the first expedition who had brought implements to assist in re-occupying the place.¹

Two at least of the councillors, but four in all, who had been in such haste to leave Scotland, would now gladly have gone back; and, these being men of greater energy than their colleagues, Captain Drummond received little thanks for his pains. When he went on board the *Rising Sun*, Byres, the leading councillor, "in a strange consternation" told him that they had come to reinforce, not to found, a colony, and that, having supplies for barely six weeks, they must disperse themselves amongst the West Indian islands. When it appeared that the supplies would last for six months, instead of for six weeks, the Council decided that only 500 of the force should be retained, and that the remainder should be "disposed of" in Jamaica;² and the men, believing that they were to be sold as slaves, were so

¹ *Darien Papers*, pp. 163, 177, 199, 231; Borland, pp. 28-30.

² Contrary winds defeated this resolution, and it was never carried out.

alarmed at this proposal that nine of them deserted in one of the *Rising Sun's* boats; and at the same time a plot was discovered, for which one man was hanged, to seize the councillors and take possession of the ships. The Council, under Byres's influence, rejected a proposal made by Drummond for an immediate attack on Portobello; they refused to trust him when he offered them credit at New York; they ill-used his men; and finally, on the pretext that he had abused his position as a councillor of the former colony, they placed him under arrest. In a letter of February 3, 1700, to the Directors, they reported that they had repaired the batteries and had built a number of store-houses and huts; but they wrote in a very despondent mood, complaining that great part of the provisions were bad, that much of the cargo was useless, and that they had not £50 worth of saleable goods.¹

Meanwhile, warned by the fate of the first settlement, the Directors had not been remiss in forwarding supplies. On October 10, 1699, Captain Campbell of Fanab and a certain Archibald Stewart were despatched to purchase provisions for the colony, the former in the West Indies and the latter at New York; in November the *Speedy Return*, with the councillor on board, for whom the leaders of the third expedition had refused to wait, sailed with provisions from the Clyde; in the following year a second vessel was despatched, a third was detained only by storm, and preparations were made to fit out a fourth. Captain Campbell succeeded

¹ *Darien Papers*, pp. 215, 218-221, 239-244; Borland, pp. 30-32. From a letter of Alexander Shields, one of the ministers who accompanied the expedition, it appears that nearly 200 men had died during the voyage or soon after their arrival, and that over 130 were then sick. The letter, dated February 2, 1700, is printed in the *Edinburgh Christian Instructor*, xviii. 477-479.

in reaching Caledonia by way of Barbadoes; but none of the supplies sent with other agents arrived in time. The Spaniards, as we have seen, had long been preparing to crush the Scottish intruders, and their very dilatory preparations were at last complete. On February 15, 1700, only four days after his arrival, Campbell routed at Tubacanti a detachment of the enemy, of whose approach the Indians had sent word; but on the 23rd eight Spanish warships, and on the 25th three more, beset the mouth of the harbour; and, some troops having been landed to co-operate with the main body advancing from Sancta Maria and Panama, the Spaniards attempted to seize the neck of land leading to the hilly and wooded peninsula, at the end of which Fort St. Andrew had been built.¹ On March 17, after almost incessant skirmishing, they obtained possession of the isthmus; on the 24th they were within a mile, and on the 28th within musket shot, of the fort. By this time disease was making such ravages in the garrison that scarcely 300 men were fit for duty, and as many as 16 sometimes died in a day; provisions and ammunition were alike bad in quality and rapidly running short; the only available spring, half-a-mile distant, was in the hands of the enemy, and the water to be had by digging was no better than a "brackish puddle." On March 31 the settlers capitulated on very honourable terms, being allowed to embark on their ships "with colours flying and drums beating," and with all their property and arms.²

¹ See the note on p. 42.

² *Darien Papers*, pp. 175, 177, 245, 263, 290; Borland, pp. 57-68. The *Speedy Return* reached Caledonia two days after the capitulation was signed, but without Mackay, the councillor mentioned above, who had fallen overboard and been devoured by sharks.—Borland, p. 73. The vessel despatched in March 1700 did not arrive till the middle of June,

On April 12 the flotilla set sail, including, besides the four ships which had left Scotland in company, the *Speedy Return*, an old sloop, and the sloop in which Campbell had arrived from Barbadoes. The voyage was horrible in the extreme, particularly on board the *Rising Sun*, where sick and dying men, with nothing to sustain them but a little damaged oat-meal, were crowded together "like so many hogs in a sty or sheep in a fold." Two hundred and fifty persons died on the way to Jamaica, and nearly a hundred more died there before the voyage was resumed. Tempest soon claimed its victims as well as disease. The *Rising Sun*, having been dismasted by a hurricane on August 14, was dashed to pieces, ten days later, on the harbour-bar of Charleston, and of her complement of 127 persons, the only survivors were 15, including Byres, who happened to be on land. The other three ships belonging to the third expedition were all wrecked or run ashore, though without loss of life; and the only vessels that reached Scotland were the *Speedy Return* and Campbell's sloop.¹

Nearly 2,000 lives, and in the course of four years some £200,000, had been thrown away in the hands of "The Company of Scotland trading to Africa and the Indies"; and for this disastrous failure it was natural, and to some extent just, that England should be held largely to blame. It was England that had defeated the original intention of the Company to open up a

and finding the Spaniards in possession, returned to Jamaica. Dalrymple has given a lively account of the intolerance of certain ministers who accompanied the third expedition; but the account seems to be mainly inferential, and M'Crie has shown that in several particulars it is at variance with the facts. Dalrymple's whole narrative of the Darien scheme is indeed honeycombed with error; but the ministers had so wretched an opinion of their fellow-colonists, not without reason, that they were not likely to treat them with much compassion or respect.

¹ Borland, pp. 74-85.

direct trade with Hindustan, and had thus induced the Directors to fall back on Paterson's scheme for a colony in the Gulf of Darien; and, whatever reason the English Parliament may have had to resent the conduct of the interlopers in incorporating themselves under an authority not subject to its control, it could hardly have been anticipated that William, at the instigation of English and Dutch merchants, would exert his authority to prevent the Company obtaining subscriptions at Hamburg. In the memorial which they presented on this occasion the Company pointed out that, though by the Act of 1695 they were empowered to treat with any sovereign or state in amity with the British Crown, they had in this instance addressed themselves, not to the senate of Hamburg, but to individual merchants, which, had they been merely a private corporation, they would have been quite entitled to do;¹ and William's refusal to retrace his steps, even after the complaint of the Company had been endorsed by Parliament, was a manifest injustice, which the Scots as a nation had every reason to resent.²

If, however, the commercial exclusiveness of England and Holland had driven the Scots into what proved to be the road to ruin, it cannot be said that their progress to that end was materially hastened by anything that the English Government subsequently did. From the English point of view there was something peculiarly exasperating in the Darien scheme. With utterly inadequate resources, and at a most critical time—a time when the Spanish succession was trembling in the

¹ *Original Papers*, etc., pp. 6-8.

² Queensberry, in a letter to Carstares, mentions the Hamburg incident as that "which this nation resents more than all the injuries they fancy they have met with."—*Carstares State Papers*, p. 562.

balance and when the slightest affront or injury on the part of England might have driven the dying and childless king into the arms of France—the Scots had embarked on an enterprise which could not fail to arouse the hostility of Spain; and, as soon as that hostility had declared itself in a slight skirmish and in the loss of one of their smaller vessels, the colonists had sent home an address to the King, in which they threw themselves at his royal feet, implored his protection, and expressed their gratification in the phraseology, if not in the actual words, of Paterson that “the effectual opening the door of commerce to the trading world” had been reserved to be “one of the singular glories of your Majesty’s reign.”¹ William had made it tolerably clear that this particular glory was one that he could make shift to do without; but to assist the colonists, had such been his inclination, was beyond his power. In the Act of 1695 he had been made to say that he would exact reparation for any wrongs suffered by the Company “upon the public charge,” that is, at the expense of the Scottish Exchequer; but the naval force of Scotland, such as it was, consisted only of the Company’s ships; and, had it been possible for him to employ the English fleet, he could not have done so without adopting that unwarranted interpretation of the Act which the two Houses had endeavoured to fix upon it in their joint address.

William, however, was not content to stand aloof. Long before the Darien appeal was presented to him in September 1699, and even before Spain had made any

¹ *Original Papers*, etc., p. 41. In order to strengthen this appeal, the Directors sought to show that Darien, if abandoned by the Scots, would be occupied by the French.—*Ibid.* pp. 37-38; *Darien Papers*, p. 125.

formal complaint,¹ he had issued orders to the colonial governors, the result of which was the proclamations, forbidding intercourse with the settlers, at New York and Boston, Jamaica and Barbadoes. These proclamations were discouraging enough; but all the correspondents of the Company in New England were agreed in saying, what Defoe afterwards said,² that, had the colony been furnished with money or credit, it could not have failed to obtain supplies. The proclamation at Barbadoes did not prevent Campbell, and the proclamations at New York and Boston did not prevent Stewart, from obtaining as large a quantity of provisions as their credit allowed; a sloop freighted with provisions had met the *St. Andrew* on her way to Jamaica; and the Directors themselves, in their despatches to the third expedition, expressed their confidence that the proclamations would be impotent for harm. But, though little regarded by private traders, the policy of the English Government was carried out by their own officials with a singularly heartless precision. When the *St. Andrew* reached Jamaica after its disastrous voyage, the Governor would not allow the survivors to barter goods for victuals, "although they should starve"; Admiral Benbow refused to grant the assistance of some of his men to navigate the ship from Bluefields, where the anchorage was unsafe, to Port Royal; and the Captain, fearing that the remnant of his crew would "mutiny and play the devil," wrote

¹ The Spanish memorial, dated May 3, 1699, is printed in Tindal's *Continuation of Rapin's History of England*, xix. 5-6.

² *History of the Union* (1709), p. 35. William, in a pamphlet of 1706, is said to have made the same remark to an eminent Scotsman.—*The Advantages of Scotland by an Incorporate Union*, p. 10.

home in despair, "I know not in all the world what to do."¹

Scotsmen were not likely to pardon such treatment as this; for, however the nation may have been bewitched by Paterson's fantastic dream, the African and Indian Company could not have elicited such enthusiastic support if it had not appealed to that patriotic impulse which Cromwell had originated by his victory at Dunbar, which the English navigation laws had strongly confirmed, and which throughout the reigns of Charles II. and James II. had displayed itself, as we have seen, in feverish endeavours to diminish the national poverty—if we may not say, to increase the national wealth. It was this sentiment, which, with every fresh symptom of English hostility, grew more and more intense, that had prompted the Directors to denounce the persons responsible for the withdrawal of the first colony as their "country's betrayers," and, in fitting out a vessel for the Gold Coast, to instruct its commander not to allow his flag to be insulted by the warships of any nation, and to regard no orders which were not signed by the King and counter-signed by him or by a Scottish Secretary of State; and the Council-General of the Company was evidently inspired by the same spirit when it issued a proclamation making it death for any inhabitant of Caledonia to propose, or even to debate upon in private, the desertion or surrender of the settlement without a special permission from the Council-General itself.² The eagerness shown by so many persons in 1696 to

¹ *Darien Papers*, pp. 150, 268. Captain Colin Campbell had succeeded Pennycook in command of the *St. Andrew*, and he also soon died.—*Ibid.* p. 274.

² *Darien Papers*, pp. 165, 171, 284.

enter their names in the Company's books has been compared, not inaptly, to that with which an even wider public had rushed to sign the National Covenant, almost sixty years before¹; in the list of subscribers are to be found representatives of every class but the peasantry—wrights, tailors, glaziers, maltmen, as well as peers, lairds, merchants, lawyers, physicians and divines; and the Darien project is certainly remarkable in this, that it was the first national movement since the outbreak of the Reformation in which religion had practically no share. "The whole ministers of the nation" had prayed for the success of the first expedition²; and, when the news came that a new Caledonia had arisen beyond the seas, there were "thanksgivings in the churches, bonfires, illuminations, and ringing of bells."³ "You cannot believe," wrote an Edinburgh correspondent to Carstares in August 1699, "how great an edge is upon persons of all degrees and ranks here for that plantation." "What the matter will turn to," wrote Lord Marchmont, several months later, "the Lord knows: but from the first till now, and still on so, there is such an earnestness and disposition towards that matter, without any sparing either of their persons or purses, that every observer must think it wonderful"⁴.

Bitter indeed, as we shall see, was the disappointment caused by the frustration of these glowing hopes; but it was worth even such an experience as this to have learned that the King of Scotland, great and noble as

¹ Dalrymple, ii. 96. He says the Solemn League and Covenant, but he means, or ought to mean, the National Covenant of 1638. Nobody but a few clerical zealots had any enthusiasm for the Solemn League.

² *Carstares State Papers*, p. 418.

³ *Darien Papers*, p. 129.

⁴ *Carstares State Papers*, p. 488, 512.

she knew him to be, was in the hands of her enemies, and that the regal union must be dissolved "except the nations be more closely united and upon a better footing."¹ In the effort to enforce this alternative, for which in one shape or another so many generations had fought and suffered, to impress upon England that Scotland must be either independent or wedded to her in an equitable union, the last and crowning sacrifice had been made by those who had perished, far from the old battlefields, in the swamps of Darien, on the crowded and fever-haunted decks of the *St. Andrew*, or amidst the breakers of the North American coast; for, throughout the long night of fratricidal enmity and ill-will, the star of Scottish nationality had never gleamed with a brighter lustre than just before it faded from view in that grey and cheerless dawn which has long since given place to the warmth and the sunshine of the perfect day.

¹ *Inquiry into the Causes of the Miscarriage of the Scots Colony*, p. 40. "A Prince who for Courage in War and Conduct in Peace is not to be match'd in story."—*Ibid.* The ballad-writers also eulogise the King.

CHAPTER II

ANTECEDENTS OF UNION, 1700-1706

WHILST Scotland was exerting herself to the utmost to obtain a footing in the New World, it seemed not improbable that the effect of the union of the Crowns in subordinating her Government to that of a hostile English nation would produce a revolution at home. On August 5, 1698, ten days after the first expedition set sail, the Estates addressed the King to remove the various obstructions from which the Company had suffered, especially at Hamburg;¹ on September 1 Parliament was prorogued; and, the Government having procured supplies sufficient to maintain the troops for more than two years, it did not re-assemble till May 1700, when Scotsmen were still praying and hoping for the success of an enterprise, which, six weeks earlier, had finally collapsed. Enough, however, had happened in the interval to inflame the national spirit. In August, 1699, it was known that proclamations forbidding intercourse with the Scottish settlement had been issued at Port Royal and New York;² and, a few months later, when scepticism as to the failure of the first expedition could no longer be entertained, the

¹ *Act. Parl.* x. 134.

² *Carstares State Papers*, p. 488.

Commission of the General Assembly recommended all ministers to remember the colony in their prayers;¹ Lord Basil Hamilton on behalf of the Company was sent up with a memorial complaining of the proclamations and of the detention of Scottish prisoners at Seville;² and steps were taken, in support of the calling of Parliament, to promote a national address. As Lord Basil had been instructed to seek an audience of the King, he declined to submit the memorial when William, reflecting on his personal loyalty, refused to receive it at his hands;³ and the irritation caused by this incident had not subsided when the House of Commons ordered a pamphlet in defence of the Darien scheme to be burned, and the Lords presented an address to the Crown, in which, whilst expressing sympathy with the Scots in the unhappy issue of their expedition to Darien, they recorded their approval of the colonial proclamations on the ground that the further prosecution of the enterprise could result only in injury to the English plantation trade and in still greater disappointment to the Scots themselves.⁴ Meanwhile, contrary to the principle established at the Revolution, that subjects have the right to petition the King, the Privy Council had attempted to prohibit the national address;⁵ and William, when the address was presented to him in March 1700, returned the

¹ *Darien Papers*, p. 254.

² These belonged to the *Dolphin* (see p. 44), the captain of which and several of the crew had been sent as prisoners to Spain.

³ *Darien Papers*, p. 256. Lord Basil, sixth son of the Marquis of Douglas and a young man of great promise, was drowned in 1701 in an unsuccessful attempt to rescue his servant from a swollen river. The letter referring to this in *Carstairs State Papers*, p. 494, is misdated.—Douglas's *Scottish Peerage* (Wood), i. 488, note.

⁴ *Lords' Journals*, xvi. 511.

⁵ *Marchmont Papers*, iii. 194.

unsympathetic reply that Parliament had been summoned for May 15, and that, as it could not possibly meet sooner, the petitioners had put themselves to unnecessary trouble.¹

Parliament met, not on May 15, but on May 21, and the Earl of Marchmont, Lord Chancellor, vainly appealed to the Estates to postpone the Darien question to the necessity of preparing for a new European war. On the 27th petitions in support of the Company's title to Caledonia were presented from five shires and three burghs, as well as from the Company itself; and a resolution was proposed that the colony was a legal and rightful settlement, and that Parliament would uphold it as such. On the 30th, after having sat for only three full days, Parliament was again prorogued.²

This unexpected prorogation added fuel to the flame. On June 20 the populace resolved that Edinburgh should illuminate itself for Campbell's success at Tuba-canti; windows not illuminated were ruthlessly smashed; the Tolbooth was broken open, and the prisoners released; and, lest so vigorous a demonstration should have missed its mark, the bells of St. Giles were jingled to the tune of "Wilful Willie, wilt thou be wilful still?" Undeterred by the prorogation, wherever members could be found to receive them, petitions continued to pour in; a new national address was started, more urgent than the last, the promoters of which bound themselves to drink no French wine or brandy and to dress only in home-made cloth; and the Opposition, glorying in their numbers, threatened to hold a convention in defiance of the King. "There is no more

¹ *Darien Papers*, p. 283.

² *Act. Parl.* x. 195, appendix, pp. 34-39; Hume of Crossrigg's *Diary*, pp. 1-6.

speaking to people now," wrote Lord Melville to Carstares, "than to a man in a fever"; and a month later, when to news of the final abandonment of Caledonia had been added a letter from the prisoners at Seville stating that they had been condemned to death for piracy on account of the English proclamations and of some words alleged to have been uttered to the Spanish ambassador by William himself, and when also a report was current that Rycaut, the Company's opponent at Hamburg, had been well received at Court, Melville expressed his "grief of mind to see this poor nation grow still madder and madder." Nevertheless, in the opinion of those most competent to judge, the fever had begun to abate. In spite of its wounded pride, the country was awakening to the fact that an enterprise, which in three strenuous efforts it had failed to carry through, was beyond its strength; and the national confidence was still further disturbed when Paterson frankly acquiesced in the defeat of his project, and when Campbell, on coming home, declared that the affairs of the Company had been grossly mismanaged. The jubilation of the Jacobites on the death of the Duke of Gloucester, the Princess Anne's sole surviving child, in July of this year alarmed that large section of the Opposition which was loyal to Church and State; and on July 26 William addressed a letter to the Privy Council, in which, after expressing his regret that it had been impossible for him to support the settlement at Darien, and his readiness to do what he could to make amends, he announced that he had interposed—and he hoped, effectually—for the release of the Scottish prisoners in Spain.¹

¹ *Carstares State Papers*, pp. 531, 539, 544, 546, 554, 562, 577, 578, 583, 584, 641; *Act. Parl.* x. appendix, p. 43.

During the autumn vacation, which they spent on their several estates, the King's Ministers exerted themselves to win over members of the Opposition;¹ and, though disappointed in their hope that William might be induced to visit Scotland, they looked forward with some confidence to the session of Parliament, which, in view of the necessity of obtaining supplies, could not be long delayed. When the Estates met on October 29, 1700, the Government claimed to have secured 18 or 19 more nobles than the Country Party; and they reckoned the latter, including a large majority of the barons or country gentlemen, as 95, and their own following as 108. In this session, as in the last, William was more fortunate in his Commissioner, the Duke of Queensberry, than the Country Party in their leader, the Duke of Hamilton—two of several statesmen whom at a later stage it will be necessary to characterise. Though quite aware that the question of Caledonia must eventually be faced, Queensberry hoped to stave it off till he had conciliated public opinion by passing certain measures for the prevention of arbitrary imprisonment, in support of the Church, and for the promotion of trade; and this policy, indicated in the King's letter to Parliament, he successfully carried out. On November 16, indeed, three pamphlets against Paterson and the Darien scheme—the reply to one of which had been similarly treated by the English House of Commons—were ordered to be burnt; but, with this exception, the grievances of the Company were left untouched till January 7, 1701, when, after a long, vehement, and confused debate,

¹ On September 9, Queensberry, the King's Commissioner, in a letter to Carstares requested that £1000 should be lodged in the Bank of England, and stated that he had already laid out £500. The Earl Marischal received a pension of £300.—*Carstares State Papers*, pp. 638, 704.

described by Lord Marchmont as "the hottest, most contentious and disorderly that ever I saw,"¹ the Government was outvoted on a proposal that the business of the army should be referred to a committee before that of Darien was discussed. On the 9th the whole sitting was occupied with the reading of petitions—one from the Company, and others in its support, and also, with one exception, against the keeping of a standing army in time of peace, from many shires and burghs; and next day resolutions were unanimously passed—the first on the motion of Lord Belhaven in "a long discourse, pretty enough and pathetic," which his friends persuaded him to print—condemning the intervention of the English Parliament, the action of Sir Paul Rycaut at Hamburg, and the colonial proclamations. On the other hand, two resolutions of a more contentious kind were allowed to drop; on the 13th, the Country Party having re-introduced their resolution of the preceding May, that Caledonia was a lawful settlement and that Parliament would uphold it as such, the Government, whilst accepting the first part of this motion, procured the withdrawal of the second; and, "after a warm battle which lasted for several hours,"² they won a still more decisive victory when it was carried by 108 votes to 84 that the four resolutions which had been passed should be embodied in an address to the Crown, and not in an Act to which William must have refused his assent. On February 1, after supplies had been voted for the army, Parliament was prorogued.³ "It will be hard enough," wrote Marchmont, "for any who had not been present with us to believe the heat, clamour, and

¹ *Marchmont Papers*, iii. 217.

² *Carstairs State Papers*, p. 684.

³ *Hume's Diary*, pp. 6-75; *Act. Parl.* x. 242-245, appendix, pp. 73-86.

contention which have accompanied this session from first to last."¹

It was inevitable, as the result of so acute a crisis in the commercial relations of England and Scotland, of the passions which it had excited, and of the hopeless dilemma in which the Crown was involved through the conflict of two sovereign legislatures, that the idea should suggest itself of a parliamentary union, or rather, in view of the issues raised by an earlier and less serious development of the same quarrel, that the idea should be revived. The treaty undertaken at the instigation of James VI. and concluded by the Commissioners of the two kingdoms in 1604 had been confined to matters of trade; but a Parliament representing the whole island had been called into existence by Cromwell; and the failure of the conference for the relief of Scottish commerce from the hardships inflicted on it by the English Navigation Act of 1660² was followed by negotiations for union on the same comprehensive scale. Scotland preceded England by some six months in taking up a proposal which Charles II. had submitted to both Parliaments on the same day. At the conference, which was held in the autumn of 1670, the Scottish Commissioners proposed that the laws and institutions of both realms should be preserved for ever intact; and, when this was objected to as unreasonable, they offered to reconsider the proposal if the Scottish Parliament, as it stood, should be conjoined with the English. From a record of their proceedings in private, it appears that what they meant was that a certain number of Englishmen should be admitted to the Scottish Parliament, and that on occasions of great national concern the King

¹ *Marchmont Papers*, iii. 218.

² See p. 22.

might convene both legislatures at Westminster. Had the conference survived these demands which brought it to a close, it would probably have broken down on the question of commerce, since the Commissioners were the same who, in the preceding negotiation, had failed to come to terms. The representatives of the smaller kingdom had thus little motive for curbing their national pride; and Lauderdale, the president of the Scottish Commission, besides being a great believer in Scotland for the Scots, had probably no wish to perpetuate the Episcopal government of the Church—a system to which, whilst professedly supporting it, he retained an incurable dislike.¹

Nineteen years later, the opportunity for constitutional reform afforded by the success of the Revolution caused the project to be renewed. It seems that the Scottish nobles and gentlemen, who in January, 1689, invited the Prince of Orange to assume the provisional government, had represented to him the advantages of a union; and in his letter to the Convention of Estates, which at the request of the same persons he had summoned at Edinburgh, the King of England, as he now was, warmly recommended the scheme as one which at so critical a juncture would secure the two realms against the enemies of both.² The private instructions of William to his confidential agent, Lord Melville, show that he was conscious of the dangers to which this recommendation might give rise. Melville was to see that the eagerness of the Estates

¹ See the accounts of this affair in Defoe's *History*, Bruce's *Report*, Sir George Mackenzie's *Memoirs*, and the appendix to Terry's *Cromwellian Union*. The third of these works records the proceedings of the Scottish Commissioners, and the fourth those of the English.

² Bruce, appendix, xlv.

for a union, if such should prove to be their disposition, was not used as a pretext to delay the settlement of the Crown; and, if this could not be avoided, he was to make it his endeavour that a certain basis of accommodation likely to be accepted at once without a treaty—but this surely was a large assumption—should be submitted to the English Parliament, such as that Scotland's proportion of members in the united legislature should be referred to the King, that the judicatures, laws, and customs of Scotland, however modified at the union, should be preserved without the possibility of review,¹ but that, in cases of treason, national safety, and abuse of public office, there should be an appeal to the House of Lords. When the matter began to be mooted in private, after most of the late King's adherents had ceased to attend the Convention, a considerable section of the Revolution party would gladly have postponed the question of the succession to that of the union, and they even went so far in this direction as to canvass for Jacobite support; but the Duke of Hamilton, leader of the Episcopalian Whigs, prompted doubtless by Lord Melville, was unfavourable to a union as likely to impair his family interest in Scotland; the Presbyterians rather dreaded than wished for it so long as Episcopacy continued to be established by law; and, as the Jacobites held aloof, the proposal was easily suppressed.² Melville's

¹ This seems to be the meaning of a strangely contradictory passage: "That the private interest of the Scots nation by their judicatures, laws, and customs, civil and ecclesiastick, as now they may be abolished, be preserved without appeal or review." William's proposals were obviously inspired by the demands of the Scots in 1670. See the Instructions in the *Leven and Melville Correspondence*, pp. 2, 3.

² Balcarres's *Memoirs*, pp. 32-33.

success was, therefore, complete; for on April 11, 1689, William and Mary were proclaimed King and Queen; and on the 24th, in the letter which conveyed their tender of the Crown, the Estates intimated that they had appointed commissioners "to treat the terms of one entire and perpetual union," with reservation to Scotland of its Church government as at the time of the union it should be established. Meanwhile William, in somewhat apologetic terms, had suggested the opening of a treaty to the House of Lords; but neither the Lords nor the Commons made any response; and this contemptuous treatment of their overture was naturally resented by the Scots, who reflected with some reason that, if they had not been in such haste to settle the succession to the Crown, they might have forced England not only to treat for a union, but, especially in matters of trade, to concede favourable terms.¹

Such feelings had not ceased to find expression when the hostility of England to the Darien scheme produced a general conviction that, whatever substitute might be found, the present system could not be allowed to go on. Has Scotland become so mean and contemptible, asked the Country Party, that the Acts of her Parliament are liable to be declared illegal by anybody who happens to be an English Secretary of State or even an English colonial governor, and that the dignity of the sovereign as King of Scots may thus be trampled upon at will by those who serve him as King of England?² And they insisted that the more invincible

¹ *Letter from a Member of the Parliament of Scotland to his friend in London*, p. 7; Defoe, p. 42.

² *Inquiry into the Causes of the Miscarriage of the Scots Colony at Darien*, p. 41.

were the reasons, "exotic as to Scotland," which induced William to refuse his support to the Company, the more they militated against the union of the Crowns, since they showed that it was the system itself, and not the discretion of the sovereign, that was at fault.¹ An argument tending towards complete separation was naturally met, amongst the more moderate members of the Country Party as well as amongst officials, by discussions as to the possibility of a legislative union. At the end of 1699, after stating that he and his colleagues had received letters on the subject from various correspondents, Marchmont declared that the project "would be very taking here";² and in his reply to the address of the Lords, presented to him in the following February, William combined an expression of deep commiseration for the misfortunes of Scotland with a suggestion of the only possible cure: "His Majesty does apprehend that difficulties may too often arise with respect to the different interests of trade between his two kingdoms, unless some way be found out to unite them more nearly and completely, and therefore His Majesty takes this opportunity of putting the House of Peers in mind of what he recommended to his Parliament soon after his accession to the throne, that they would consider of an union between the two kingdoms." The Bill for appointing commissioners, which the Lords passed on this occasion, was thrown out on technical grounds by the Commons; and two years later, when prostrated by the "unhappy accident" which was to cut short his career, the dying sovereign renewed his appeal in terms which showed how eagerly he looked forward to a consummation which

¹ *Carstares State Papers*, pp. 516-517.

² *Marchmont Papers*, iii. 199.

was to be reserved for hands weaker, but more fortunate than his. "His Majesty would esteem it a peculiar felicity"—so ran his message to the Commons—"if during his reign some happy expedient for making both kingdoms one might take place, and is therefore extremely desirous that a treaty for that purpose might be set on foot, and does in the most earnest manner recommend this affair to the consideration of the House."¹

Eight days after the reading of this message, on March 8, 1702, William died. Whether it is to be ascribed mainly to a detachment of mind resulting from his foreign birth, to his own natural disposition, or to the sagacious guidance of Carstares, William was the only Scottish sovereign since the Reformation who had governed the country in an entirely reasonable spirit; and, however little appreciated by his English subjects, as the champion of Protestantism who had overthrown the wretched government of the Stewarts, he enjoyed a popularity in Scotland which was little obscured by the shadow of Glencoe, and which even his enforced attitude on the Darien question did not seriously impair. In the irritation caused by the news of the first abandonment of Caledonia, it is said, indeed, to have "almost become a common talk that the King has no kindness for Scotland"; but Lord Marchmont, who had at first been alarmed by this "chagrin humour," found that it subsided in a few days;² and it is remarkable how unanimous Scotsmen were—Jacobites of course excepted³—in their disposition to regard William as

¹ *Lords' Journals*, xvi. 514; *Commons' Journals*, xiii. 769; Bruce, appendix, xlvii.

² *Marchmont Papers*, iii. 184, 186.

³ Fletcher, who was no Jacobite, and who suspected William of a design to make himself absolute with the aid of France, may be regarded as another exception; but Fletcher was almost an avowed republican.

acting under an unavoidable restraint. In 1700 it was estimated by a contemporary that those "honest countrymen in the African interest" whose devotion to the sovereign entitled them to be called "Williamites" were more numerous than obstructionists and Jacobites combined.¹ Lord Belhaven in his fiery speech of January, 1701, was careful to distinguish between the English enemies of the Company and "our most excellent and gracious King, our Deliverer and Benefactor"; the Estates in their address of the same month "acknowledge that God raised up your Majesty in our low and afflicted state to be our great and seasonable deliverer"; patriotic versifiers laboriously celebrated the royal virtues; and the accredited apologist of the Company, after exhausting himself in eulogy of the sovereign, "who for courage in war and conduct in peace is not to be matched in story," concludes that "to be so treated by such a Prince hath some thing cutting beyond expression, and proves that our disasters are no way to be remedied, but either by a total separation or a closer union of the two kingdoms."²

In order to make intelligible the prospects of union at this period, it will be necessary to review the course of international relations in Europe during the previous fourteen years. When William invaded England in the autumn of 1688, Louis XIV. had already taken the field against a coalition of Catholic and Protestant Powers which he had provoked by extending his frontier at the expense of Germany and Spain, by challenging the authority of the Pope, and by revoking the Edict of Nantes; and the revolution which

¹ *Carstares State Papers*, p. 627.

² *Inquiry into Causes of Miscarriage*, etc., p. 40. See also *The Comical History of the Marriage betwixt Fergusia and Heptarchus*, p. 14.

transferred the Crown of England from his ally, James II., to the Prince of Orange was the chief element in the chain of causes which forced him, after nine years of warfare, to accept the Treaty of Ryswick in 1697. Louis, indeed, retained Strasbourg which he had surprised in time of peace; but he surrendered all the various districts which he had annexed, or, as the phrase was, reunited to France; he allowed the Dutch as a security against French invasion to garrison the frontier fortresses of the Spanish Netherlands; he recognised William as sovereign of England; and he agreed, whilst refusing to expel him from France, not to assist the deposed King. Reluctant as he must have been to make these concessions, Louis had reasons of his own for wishing to be at peace; for Charles II., the childless King of Spain, was dying, and it was not his interest at such a juncture to be excluded from the deliberations of Europe. In October, 1698, when the Scots, regardless of such delicate negotiations, were on their way to found a colony in Darien, a treaty was concluded between France, England and Holland, which divided the Spanish empire between three claimants to the Crown, giving the Milanese to the Archduke Charles, the Emperor's younger son, Naples, Sicily, the Tuscan ports, and Guipuscoa, a valuable possession which would have extended the French seaboard along the Bay of Biscay, to the Dauphin, and the rest to the Electoral Prince of Bavaria; and in May, 1700, after the Scots had finally abandoned Darien, the Electoral Prince having died, a new treaty was made, which to the Dauphin's share added Lorraine, the Duke of which was to have the Milanese, and, subject to such large reservations, assigned the empire to the Archduke Charles.

These treaties for the dismemberment of the monarchy were naturally resented in Spain, and they were little less unpopular in England, where the Tories, then a majority of the Commons, denounced them as certain to entangle the country in continental wars, and as unduly favourable to France; and Louis XIV., knowing that Austria as well as Spain was opposed to partition, and justly doubting whether either England or Holland would assist him to enforce the treaty, was induced to accept a will by which Charles II. on his deathbed bequeathed the whole of his dominions to Philip of Anjou, the Dauphin's second son, on condition that he renounced his right of succession to the French Crown. By capturing their garrisons in the Low Countries and holding them in pledge, Louis forced the Dutch to recognise Philip as King of Spain, and the pressure of public opinion in England compelled William to do the same; but English opinion became less pacific when Louis refused to give back the Flemish fortresses to Holland; an alliance to enforce this concession and to procure the Milanese for Austria, but providing that no hostile step should be taken for two months, was concluded in September, 1701, between England, the Emperor, and Holland; and, a few days later, Louis roused a storm of indignation in England by recognising the Pretender on the death of his father, James II., thus violating his engagements at Ryswick, as by recognising Philip's right of succession in France he had already violated Charles II.'s will. William at once dissolved Parliament, and the new House of Commons which met in December, 1701, contained a large majority of Whigs.

Thus at William's death in March, 1702, England was committed to a great war, and at such a crisis the

policy of conciliating the Scots could not reasonably be denied. In addressing his last recommendation of union to the Commons, William had probably intended to disarm their jealousy of the Lords, with whose proceedings on the subject in 1700 they had refused to concur; and, Queen Anne having reiterated the late King's appeal in her first speech to Parliament, the Commons passed a Bill for the appointment of Commissioners, which was accepted by the Lords and was acted upon by the Crown on August 25, 1702.

Meanwhile in Scotland the Jacobites were considerably elated by the accession of Anne, a daughter of James VII., and a princess whose Anglican and Tory sympathies were well known; and the Government, even at the expense of constitutional forms, were determined to repress what they believed to be the anti-Revolution tendencies of the new reign. The legislature then existing had been summoned by William as a Convention, before his accession to the throne, in 1689, had been recognised by him as a Parliament in 1690, and in the ordinary course of law, whatever moral right it may have had to exist so long, should have terminated at his death in 1702. A statute of 1696, when a plot had been detected in England to assassinate the King, had indeed enacted that Parliament, if in session at the demise of the sovereign, might continue for six months, that, if not in session, it should meet, or, if no Parliament then existed, that the last Parliament should meet, within twenty days, provided that it confined itself to the maintenance of Protestantism, the succession, and the public peace, and did not attempt to alter the constitution or standing laws;¹ but Queensberry and his

¹ *Act. Parl.* x. 59-60.

colleagues did not choose either to dissolve Parliament or to convene it in terms of this Act; and, with their advice, to oppose which Hamilton and several other nobles made a fruitless journey to Court, Anne decided not to summon a new Parliament, but to re-assemble the old.¹ This was probably unwise. At all events, however reluctant the Government may have been to part with a Parliament which had shown itself favourable to union and was likely to grant supplies, they ought surely to have summoned it, if only for form's sake, within the prescribed time; for in the House of Lords, before the death of William, the Earl of Nottingham had urged that England could not safely negotiate with a Parliament which had originated as a revolutionary convention²; and to the illegality of its origin the Parliament had now added that of violating the statute of 1696, and, as soon as it authorised a treaty of union, would violate it still more.

When the new session opened on June 9, 1702, the Duke of Hamilton read a protest against it as illegal, and withdrew from the House, supported by more than eighty members who either went out with him or had refused to attend.³ The remaining 120 members, whom the seceders called the Rump, passed several measures, one of which empowered the Queen to name commissioners for a treaty of union; but great dissension arose when Queensberry let it become known that he proposed to introduce an Act, similar to one which

¹ *Lockhart Papers*, i. 43.

² Burnet, iv. 558.

³ *Lockhart Papers*, i. 276; Hume's *Diary*, p. 76. Marchmont (iii. 240) reckons the seceders as 57, comprising 18 nobles, 24 shire members, and 15 burgh members; but, as he admits that only 120 members remained, either he must have under-estimated the secession or more members than the nine mentioned by Lockhart must have absented themselves from the House; for the usual attendance at the Convention Parliament was over 200.

had just passed in England, requiring office-holders to abjure the Pretender. The ultra-Whigs who had advocated the retention of the present Parliament declared that such a measure was necessary to secure the loyalty of the next, especially as the declaration imposed in 1693 and known as the Assurance was directed against a "pretended Prince of Wales" who now called himself James VIII. On the other hand, it was insisted that a Parliament of somewhat doubtful legality should not attempt to limit its successor, and, more strongly, that Scotland would throw away the best means available for coercing England into a union if at the outset of a great war she emphasised her determination not to recall the Stewarts. Queensberry, having referred the matter to the Queen, was instructed not to introduce the Act if he thought it likely to divide the House; and, after an unsuccessful attempt to reconcile the two parties, he was preparing to terminate the session when Marchmont, to his surprise and annoyance, persisted in bringing in the Act. The first reading was carried by only four votes; and at the next sitting on June 30, in order to save the situation, Parliament was prorogued.¹

The conference for union opened at Westminster on November 10. We have seen that when the Convention appointed commissioners for a similar purpose in 1689, it had reserved the ecclesiastical system which should be established in Scotland at the time of the union; but on the present occasion, when the nomination was left to the Crown,² the Estates

¹ *Carstairs State Papers*, pp. 714-716; *Marchmont Papers*, iii. 240-251.

² "The Country Party was much dissatisfied that the naming of the Commissioners should have been left to the Court, and thought it was the same as if it had been left to England."—*Ridpath's Parliament of 1703*, p. 332.

contented themselves with declaring in a letter to the Queen that Scottish Presbytery was founded in the Claim of Right, that they had full confidence in her promise to maintain it, and that they hoped she would choose commissioners who should have this interest at heart. In the negotiations that followed, however, religion was not touched upon at all; and, mindful of the indiscretion committed by their statesmen at the Revolution, which, it seems, was still a matter of reproach,¹ the Scots endeavoured to make the whole proceedings turn on the question of trade. They consented, indeed, to accept the Act of Settlement recently passed in favour of the Electress Sophia, but not till the English Commissioners had reluctantly acknowledged "the communication of trade and other privileges to be the necessary result of a complete union"; and henceforward the conference was directed towards an understanding in detail of this general admission. On December 16 the English Commissioners consented that, except in the case of wool, sheep and sheepskins, there should be freedom of trade between the two kingdoms; a free trade to the plantations, reserved on this occasion, was conceded on January 2, 1703; and on January 30 it was agreed that neither realm should be burdened with the debts of the other, and that, for a certain period, to be determined in the English and Scottish Parliaments, Scotland should be allowed to enjoy the benefits of reciprocity of trade without being required to pay Excise duties on the English scale. Meanwhile, the Scots had proposed that the privileges of the African and Indian Company should be preserved intact; and though, when this was objected to, they insisted

¹ *Marchmont Papers*, iii. 275.

merely that the Company should not be dissolved without compensation, the English Commissioners tacitly rejected the demand by proposing to consider at the next meeting, which was never to take place, the constitution of Parliament, Church affairs, and the laws and judicatures of Scotland. The conference thus terminated on February 3.¹

Though this was the first negotiation for union which had originated in England, and though, as Anne remarked in her valedictory letter, it had been carried further than any previous treaty, the Scots were by no means satisfied with the manner in which their proposals had been met. The English Commissioners had been slow to make concessions; and they had taken so little interest in the proceedings that, after the conference had been adjourned no fewer than eight times for want of an English quorum—a fact of which they had the grace to be “very much ashamed”—they had been compelled to apply for a new commission, in which the quorum was reduced from thirteen to seven.² The apathy of England as represented by her Commissioners must no doubt be ascribed to a change in political conditions. The negotiation for union had originated with the large Whig majority returned by the constituencies, after Louis XIV. had recognised the Pretender, at the close of 1701; but Anne, with few exceptions, chose her Ministers from the party which had successfully opposed such a step in 1700, and had now, without success, opposed it again; and, before the conference opened in November, 1702, another general election had secured to the new Tory Ministry a decided predominance in the Commons.

¹ *Act. Parl.* xi., appendix, pp. 145-161; Defoe, appendix, pp. 112-131.

² *Act. Parl.* xi., appendix, p. 156.

Commissioners representing a Tory reaction in England were thus called upon to negotiate with the representatives of a Scottish Parliament which they probably agreed with Nottingham, one of their number and now Secretary of State, in regarding as an illegal convention; and, had the Church question been reached, they might have been tempted to make unreasonable demands. It was, indeed, reported that at a private meeting, just before the final adjournment, the Archbishop of York had said "that now the time was for restoring Episcopacy in Scotland," and the Marquis of Normanby, that for his part he had taken part in the proceedings with no other design.¹

In Scotland as in England the political conditions which had given rise to the conference had been greatly modified before its close. The splitting up of the last session had occasioned both surprise and annoyance at Court, especially when the seceders and their friends refused to pay the taxes which the "Rump" had imposed; and Anne, displeased with the Ministers whose infringement of the constitution had produced such unpleasant results, was reported in August, 1702, to be contemplating "changes both of measures and men."² In this autumn, after having existed for fourteen years, the Convention Parliament was dissolved; at the ensuing elections great efforts were made to secure the Jacobite vote; and soon afterwards the Government was almost completely recast. Queensberry and Seafeld, indeed, remained in office, the former becoming Secretary of State and the latter Chancellor; but nearly all the Ministers

¹ *Jerviswood Correspondence*, p. 11.

² *Jerviswood Correspondence*, pp. 4, 6; Luttrell's *Brief Relation of State Affairs*, v. 267, 268.

known to be inflexible Whigs—Lords Marchmont, Melville, Hyndford,¹ and Selkirk, Cockburn of Ormiston, and Sir John Maxwell of Pollock—were dismissed; Lord Tarbat, the sole surviving statesman of the Restoration, was associated with Queensberry in the Secretaryship, and his brother, Mackenzie of Preston-Hall, was made Justice-Clerk; the Earl of Tullibardine, a zealous Countryman, became Privy Seal; and the Earl of Leven, Melville's third son and a veteran soldier of the Revolution, was superseded in command of Edinburgh Castle by Queensberry's brother, the Earl of March, who had been a colonel of horse under James VII., and had not acknowledged King William till 1697.

The Jacobites had been assured by Seafield during the elections that, if they recognised Queen Anne and sided with the Government against the Country Party, they should be tolerated as Episcopalians and be admitted to a share in the conduct of affairs; the transformation of the Ministry must have strengthened their hopes; and in the spring of 1703 an indemnity was issued for all acts of treason since the Revolution, and the Queen in a letter to the Privy Council, the political complexion of which had also been changed, directed that the Episcopal clergy should "be protected in the peaceable possession of their religion."²

¹ Douglas in his *Scottish Peerage* has omitted to mention that Lord Hyndford was superseded as Secretary of State, and in the *Dictionary of National Biography* Mr. Henderson has thus been misled into saying that he retained his place. It was Lord Boyle, afterwards Earl of Glasgow, and not, as Lockhart says, Lord Blantyre, who was appointed Treasurer-Depute. A Jacobite pamphleteer describes the late Ministry as composed of bigoted Presbyterians and "Occasional Compliers," and laments that both sections had not been replaced by Cavaliers. *State of Scotland under the Past and Present Administrations*, pp. 8, 14.

² Lockhart, i. 53, 57, 58; Tindal's *Continuation of Rapin*, xx. 243; Ridpath's *Parliament of 1703*, p. 13.

These solicitations had the desired effect; and on May 6, 1703, when the Estates rode in procession to the Parliament House—a procession which had not been seen in the streets of Edinburgh for eighteen years,¹ and was never to be seen again—in addition to the few Jacobites who had always belonged to the Country Party, there was a large body of such persons, nearly all of whom, whether at home or in exile, had hitherto held aloof, and now for the first time took the oath and their seats.

Whatever reasons he may have had for adopting this policy, Queensberry as the royal Commissioner must have been aware how dangerous it was to bring a third party into the field, which, should it go over to his opponents, would more than efface the small majority which had hitherto secured the predominance of his own. After the Queen's letter had been read and the usual speeches delivered, Hamilton introduced an Act recognising Anne's right of succession as declared at the Revolution, intending doubtless in this complimentary way to preface an attack on the Rump;² but at the second reading on May 15 the Lord Advocate, Sir James Stewart, proposed the addition of a clause declaring it treason to dispute the Queen's title "or her exercise of the government from her actual entry to the same." With the aid of the Jacobites, or, as they now called themselves in token of their recovered loyalty, the Cavaliers, this was easily carried; and at a meeting of the same party it was agreed that the Earl of Home, one of the peers who had just taken their seats, should still

¹ The Convention Parliament did not ride, and 1686, the year mentioned by Clerk, is a mistake for 1685.

² Malcolm Laing's *History of Scotland* (edition 1800), ii. 264.

further gratify the Court by introducing an Act of Supply. On the 19th this Act was given in, but so also was an overture, presented by the Marquis of Tweeddale on behalf of the Country Party, that Parliament, before all other business, should provide securities for the religion and liberty of the realm at the Queen's death; on the 26th the rival claims of Act and overture were long and vehemently discussed; and on the 28th, the Cavaliers having informed him that they meant to vote with the Country Party for the postponement of their own Act,¹ Queensberry gave way, and Tweeddale's overture was adopted without a division. The Ministry, disunited in itself and dependent on doubtful allies, had never been strong, and this confession of weakness caused a general revolt. In order to terminate the Jacobite alliance, or rather to prevent its renewal, Marchmont introduced and carried a confirmation of Presbyterian government, and Argyll an Act ratifying the Revolution and branding as high treason any attempt to alter the claim of Right; Queensberry's friends, by concurring in these measures, estranged the Chancellor Seafield, and their Tory colleagues, Athol,² Tarbat, and his brother, the Justice-Clerk; and the Cavaliers, after having introduced an Act allowing freedom of worship to all the Queen's Protestant subjects, showed their sympathy with the Country Party, which they had been brought in to oppose, by forbearing to press it, lest they should offend their Presbyterian allies.

¹ Letter of Stair to Godolphin in *Graham's Stair Annals*, i. 205. Lockhart says that the Cavaliers did not desert Queensberry till they found his friends of the Episcopal persuasion appearing against toleration and in favour of the ratification of Presbytery; but neither of these measures was proposed till Tweeddale's overture had been adopted.

² Tullibardine had succeeded his father as Marquis of Athol.

The co-operation of Countrymen and Cavaliers was facilitated by the popularity with both parties of the Duke of Hamilton,¹ who had organised and directed the Darien agitation, and who till 1698 had been an avowed adherent of King James. Hamilton was now accepted by the Opposition as their common head, whilst the Cavaliers in their separate capacity followed the Earl of Home, and the Country Party, reduced to a fraction of its former strength,² was led by the Marquis of Tweeddale, Andrew Fletcher of Saltoun, and four young noblemen of great energy and spirit, the Marquis of Montrose, and the Earls of Roxburgh, Haddington and Rothes.

The victory won by the Opposition on May 28 was speedily followed up. Indeed, before Tweeddale's overture was adopted, professedly in order to give definiteness to so vague a resolution, but really perhaps to embarrass his colleagues, the Lord Privy Seal had given in the nucleus of the statute which was soon to be familiar to both Scottish and English ears as the Act of Security. This Act, probably the most important that a Scottish Parliament ever passed, was built up, clause by clause, in the course of debates which extended from June 9 to August 13. As finally passed by 59 votes, it provided that upon the death of

¹ *Hooke Correspondence*, i. 24.

² It appears from Clerk's *Memoirs*, p. 47, and from a letter of Leven to Harley in the *Edinburgh Review* for October 1892 that the Country Party, which had once numbered 95 members, now numbered only about 15. The number of shire and burgh members was of course fixed, so that, exclusive of the Jacobite peers who had hitherto absented themselves, a Cavalier party in Parliament could be formed only by a transfer of seats, which, as the Government and the Cavaliers were in alliance, had been effected chiefly at the expense of the Countrymen. The membership of this Parliament was nominally 305; but, if we deduct 70 peers marked as absent, minors, extinct, Papists or English, it was 235.

the Queen without issue, or without a successor appointed by herself and the Estates, Parliament should after twenty days nominate a successor of the royal line of Scotland and of the Protestant religion, who should not be the successor to the Crown of England, unless in this or in some subsequent Parliament of the reign such conditions of government had been enacted as should secure from English or from any foreign interference the honour and sovereignty of Scotland, its legislative power, its religion, liberty and trade; and, in particular, the same person was declared incapable of being King or Queen of both realms, unless the Parliament of England, to the satisfaction of this or some subsequent Scottish Parliament, should have conceded to Scotsmen, "a free communication of trade, the freedom of navigation, and the liberty of the plantations." It was also enacted "for a further security" that the burghs and the Protestant heritors should provide fire-arms for the fencible Protestants within their respective bounds, and should drill such persons at least once in the month.

The first of the two stipulations contained in this Act had been moved by Lord Roxburgh in a much more rigorous form, for the "conditions of government" were to be enacted in this current session of Parliament, and the original word used was "independency," not "sovereignty," of Scotland. As the clause in this shape might have resulted in complete separation, the Government, in order to postpone, and, if possible, prevent, its adoption, took the unusual course of adjourning the House for four days in the midst of the debate—a proceeding which occasioned "great cry and hubbub," and against which the Country Party was

with difficulty dissuaded from appealing to the Crown. When the debate was resumed, the Government proposed to substitute what was to become the second stipulation for the first; but neither the Country Party nor the Cavaliers would agree to this; and at last by seventy votes a form of words was carried in which, as we have seen, the two clauses were conjoined in such a way that the "conditions of government," which had been censured as too vague, seemed to find practical expression in the communication of trade. The majority, though it contained many enlightened unionists, was composed largely of Cavaliers; for some of the Ministerialists repented of their proposal as likely to offend the English Government, when they found that it had not supplanted the Roxburgh clause; several of the Country Party feared with good reason that it would cause the Queen to refuse her assent to the Act; and many of the Whigs, such as Argyll, Annandale, Marchmont, and Melville, opposed it so strongly in the interest of the Hanoverian succession, that they insisted on recording their dissent.

Fletcher of Saltoun, whose earnestness and eloquence imparted some dignity to these disorderly debates, had presented the draught of an Act providing that Scotland should accept as its sovereign the successor to the Crown of England on certain "conditions of government," or, as he called them in his speech, "limitations," the chief of which were that a new Parliament, voting by ballot and capable of adjourning at pleasure, should be elected every year; that the King should assent to all laws passed by the Estates, and without their advice should not make war or peace, conclude treaties, or confer any office or pension; that in the intervals of Parliament a committee of its members should exercise

the executive power; and that the King, if he violated any of these conditions, should forfeit the crown. Such a scheme as this, which practically annihilated the prerogative in order to emancipate it from English control, did not commend itself either to Courtiers or to Cavaliers; and, Fletcher's proposals having failed to arrest the progress of the Act of Security, it was resolved, a week later, that no restrictions of this nature should be embodied in the Act. The Roxburgh clause was declared by its opponents to be an infringement of this rule, whilst its supporters pointed out that it limited the choice of Parliament, not the authority of the King; but, as Fletcher truly said, the clause was so "general and indefinite" that it could be fulfilled by the passing of "two or three inconsiderable laws"; and moreover, if Queen and Parliament should concur in appointing a successor, its provisions would be of no effect.

Soon after the Act of Security had been passed, one of Fletcher's limitations was adopted in the shape of an Act proposed by the Earl of Rothes, which provided that on the death of the Queen without heirs the sovereign of both realms should not have the power of making war on behalf of Scotland without consent of the Estates; but Marchmont raised a storm of indignation by proposing on the strength of certain constitutional restrictions to recognise the Electress Sophia; and, when Fletcher again brought forward his limitations, now reduced from twelve to three, and offered on this basis to leave the succession to be determined by the House, it was resolved by a small majority to proceed to the regulation of trade. An Act was then considered, which had been brought in as early as May 28, to allow the importation of foreign

wines, including, of course, the wines of France. The Government supported this on the ground that the Customs duties were necessary to maintain the Civil List, and, being a popular measure and acceptable to the burghs, it was carried by 25 votes, in spite of strenuous opposition from the Country Party and many of the Cavaliers, who denounced it as dishonourable to the Queen, inconsistent with the Grand Alliance, and prejudicial to the honour, safety, and trade of the realm. The Cavaliers can hardly have disapproved of a measure which promised to promote intercourse with France, but for most of them the temptation to pose as wounded patriots proved too strong.

The Government had at first been confident that a coalition of Countrymen and Cavaliers, Presbyterians and Episcopalians, must eventually break up; and, in order to protract the session, the House was continually adjourned for one, two, or three days, and was seldom allowed to meet till late in the afternoon. But summer had now given place to autumn, and, as the Opposition, despite the claims of harvest, was still as determined and as numerous as ever, Queensberry convinced himself that nothing was to be gained by further delay. On September 10 he announced that all the Acts but the Act of Security would receive the royal assent, and appealed to the House to vote supplies for the army and a provision out of the Customs for the Civil List. He succeeded, as we have seen, in carrying the Wine Act; but, when the Lord Treasurer on September 15 seemed likely to procure a first reading for Lord Home's Act of Supply by moving it as an alternative to the unpopular limitations, Fletcher prevented this by withdrawing his scheme; and a vote was then demanded on the question whether subsidies should

be considered or the liberties of the nation. The session had been stormy enough throughout—so much so, that, in the words of one of Queensberry's supporters, "we were often in the form of a Polish diet, with our swords in our hands, or at least our hands at our swords";¹ but this closing scene was the most uproarious of all. Montrose, Roxburgh, and Rothes made violent speeches; the Commissioner was taunted with his subservience to the English Court; and, "a mighty ferment" having arisen, the House resounded with cries of "liberty and no subsidy," which were raised not only by members, but by the crowd of onlookers which in the flickering candle-light had gathered at the bar. Next day Parliament was prorogued.²

A year and a half had now elapsed since King William had passed away, and it is difficult to see how any course of policy could have stultified itself more completely than that which had been pursued in Scotland since his death. In order to repress what they believed to be a Jacobite reaction, the Scottish advisers of Queen Anne had prevailed upon her to prolong illegally the Convention Parliament; and, having thus provoked the Country Party to secede from the House and to refuse payment of taxes, they had yielded to the demand for a new Parliament, and had thrown themselves on Jacobite support. The Jacobites had not been slow to respond; but the Government majority, nominally overwhelming, con-

¹ Clerk's *Memoirs*, p. 49.

² In preparing the narrative of this session, the following works have been used: *Act. Parl.* xi. appendix; Hume's *Diary*; Ridpath's *Proceedings of the Parliament of 1703*; Tindal's *Continuation of Rapin*, xx. 245-293; Graham's *Stair Annals*, i. 203-208; Fletcher's *Political Works*; Lockhart Papers, i. 58-70; *Portland Manuscripts*, Hist. MSS. Commission, iv. 66-67.

sisted in almost equal proportions of Whigs and Cavaliers; and the remnant of the Country Party, courted by the former as Presbyterians and by the latter as nationalists, had succeeded throughout the session in absolutely dominating the House. Hence the strange phenomenon, noticed by Burnet,¹ that a Ministry devoted to the Episcopal interest had done more for Presbytery and the Claim of Right than any Government since the Revolution, and the other phenomenon, equally strange, that a Parliament, elected in great measure at the expense of the Country Party, had attempted to engrave the policy of the latter on the statute law. It must, however, be conceded that in the character of the sovereign Anne's Ministers had a difficulty to contend with from which those of William had been free. In Scotland as in England William had governed as well as reigned; and it was asserted by a member during this session that he would have done justice to the nation in the affair of Darien if the English Ministry, finding their own efforts ineffectual, had not "turned loose upon him the irresistible orders of his English Parliament."² Anne, on the other hand, was known to be completely under the influence of Marlborough and Godolphin; and the Government at Edinburgh was constantly compelled to justify the taunts of the Opposition by applying for guidance to the Lord Treasurer of England on purely Scottish affairs. English influence, in fact, now inspired and directed, as formerly it had circumscribed, the prerogative of the Scottish Crown.

Queensberry, in order to detach the Jacobites from his rival, the Duke of Hamilton, had no doubt suggested the policy which has just been summarised;

¹ *History*, v. 95.

² *Ridpath*, p. 319.

and the responsibility for its success or failure must in any case have devolved upon him. Godolphin, with very great reluctance, had granted him in the Queen's name a discretionary power to give the royal assent to the Act as to peace and war, expressing his apprehension that hostilities between England and Scotland could not be averted if the Scots during such a war as the present should insist on trading with France;¹ and the Wine Act, in regard to which the Government deliberately incurred this danger for the sake of bringing a few thousand pounds into the Exchequer, was regarded in London with the greatest alarm.² In both of these measures Queensberry had the support of all his colleagues; but the rift in the ministry occasioned by the Jacobite proclivities of Seafield, Athol and Tarbat, now Earl of Cromarty, the second of whom, as we have seen, had introduced the Act of Security, soon developed into an open breach; and, in order to discredit the mutineers, the Commissioner was betrayed into an intrigue which resulted in his removal from power.

A certain Simon Fraser of Beaufort, who, more than forty years later, was to perish on the scaffold as Lord Lovat, had fled to France in order to escape the consequences of a criminal assault on a lady who was Athol's sister. At the Court of St. Germain's he represented himself as an emissary of the Highland chiefs, and, having propitiated the exiled Queen by

¹ Graham's *Stair Annals*, i. 381.

² "The Scots Wine Act makes a great noise in this place. I have heard some members of Parliament declare that they look upon it as the opening a back door to the enemies of England, and as the putting in practice already their other Act whereby they are empowered to observe a neutrality in the wars of England when they please."—*Portland Manuscripts*, iv. 70. See also Burnet, v. 100.

becoming a Catholic, he was sent home to promote a rising of the clans. At Edinburgh he procured an interview with the Duke of Queensberry; and, having informed him that Hamilton, Cromarty and Athol were corresponding, as was not at all improbable, with the Pretender, he produced a letter from the ex-Queen, intended for the Duke of Gordon,¹ but which he himself, though his personal enemy and therefore most unlikely to be entrusted with such a missive, had directed to Athol. Queensberry was so far influenced by these disclosures that, in order to obtain further information, he assisted Fraser with a pass and some 200 guineas to prosecute his intrigues in the Highlands, and afterwards, on the same mission, sent him over to Holland and France. At this stage, however, or a little later, Robert Ferguson, known to history as "the plotter," put Athol on his guard; and Queensberry's declining reputation was much impaired, in so far as the plot was fictitious, by what the Opposition denounced as a "hellish contrivance" to effect their ruin, and, so far as it was genuine, by the simplicity with which he had allowed himself to further its designs.²

The mutinous triumvirate had followed Queensberry and his friends to London at the close of the parliamentary session; and the two factions had just begun to intrigue against each other at Court when the Commissioner's dealings with Fraser were brought to light. The Lords appointed a committee to enquire into the plot; and, having resolved that a dangerous

¹ *Collection of Original Papers relating to the Scots Plot*, p. 7.

² *Somers Tracts*, xii. 433-448; Macpherson's *Original Papers*, i. 639-665. A very full and lively account of the "Scots Plot" is given in Mackinnon's *History of the Union*, pp. 138-148. Colonel Hooke, it may be noted, calls Athol "*un des plus grands seigneurs d'Ecosse et Jacobite déclaré*"—*Correspondence*, i. 24.

conspiracy existed in favour of the Pretender, and that this conspiracy had originated in the fact that the Hanoverian succession had not been recognised in Scotland, they presented an address to the Queen in which they advocated such a settlement and promised on this basis to do their utmost to promote a union.¹ The Tory majority in the Commons, disposed as they were to belittle the plot, professed to resent the action of the Lords as derogatory to the criminal jurisdiction of the Crown; and in February, 1704, at Athol's request, Rothes, Roxburgh, and Baillie of Jerviswood—all Countrymen, but selected as being untainted with Jacobitism at a joint meeting of Countrymen and Cavaliers—were despatched to London to his support. The three deputies, before the Lords' Committee had completed its work, were admitted to an audience on March 8; and, having represented "how great an affliction it was to them" that some of the best subjects should be charged with disloyal designs, and what alarm had been excited in Scotland by a proposal, attributed to the Earl of Stair, that an army should be maintained there on English pay, they besought the Queen to summon Parliament as soon as possible for the purpose of investigating the conspiracy, and meanwhile, in order that the Estates might not be biassed in their deliberations, to withdraw her confidence from all concerned in the plot or in traducing innocent persons therewith.² Anne was agreeably surprised by such moderation of tone on the part of these "fierce barbarians" of the Parliament House;³ and, contrary to the expectation of Baillie who had not expected that Queensberry, with the

¹ Tindal's *Continuation of Rapin*, xx. 380, 412.

² *Marchmont Papers*, iii. 263-267; Fraser's *Earls of Cromarty*, i. 219-220.

³ Cunningham's *History of Great Britain*, i. 364.

House of Lords at his back, would be so easily displaced, an arrangement was soon made—chiefly through the mediation of Johnston, who as Secretary of State in 1695 had procured the Act in favour of the African and Indian Company and had never since been employed—by which the Country Party agreed to accept office in the Hanoverian interest on condition that Anne assented to certain limitations of her successor's power. Queensberry was succeeded as Commissioner by the Marquis of Tweeddale; his dependent, Sir James Murray of Philiphaugh, was replaced as Lord Register by Johnston; and his brother, the Earl of March, resigned Edinburgh Castle to its former governor, Lord Leven.¹

This was an experiment in political tactics similar to that which had been attempted after the dissolution of the Convention Parliament in 1702; for, as the Cavaliers had then been brought in to outvote the Country Party, so now the Country Party was to turn the scale against the Cavaliers; and, but for the alarm excited by the Jacobite plot, which disposed them to snatch at any expedient, however unpromising, to establish the Hanoverian succession, the English Ministers, who had witnessed the failure of the former experiment, might have been expected to discount beforehand the failure of this. The new administration may not have been more "motley"—to use a word afterwards applied to it—than the old; but the Country Party was numerically so weak that, to be successful, it would require to carry with it almost all its own members and almost the whole of the party which it had hitherto opposed; and, considering that Tweeddale and his adherents were sure to be denounced as deserters for coming to

¹ Lockhart, i. 92-97.

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left out.¹ A resolution was obviously not equal to an Act; and, in order to account for this omission, we must remember that neither party had contended for this section as an end in itself, the Government in the previous session having sought only to substitute it for the Roxburgh clause, which they were now pledged to support, and the Opposition in the present session having already succeeded in using it as a means to obstruct the Hanoverian succession. The House now voted supplies for six months, resolved that the action of the House of Lords in regard to the succession and the plot was an encroachment on the sovereignty and independence of Scotland, and, on the lines of the recent Wine Act, passed a statute permitting the free exportation of wool.²

The Marquis of Athol, to Queensberry's very natural disgust,³ had been rewarded with a dukedom for his factious conduct in the previous session; but, as this honour had failed to reclaim him, he was now dismissed, as also was Mackenzie of Preston-Hall, the Lord Justice-Clerk; and several members of the New Party, as Tweeddale and his friends now called themselves, in reward for their ineffectual services, were admitted to office. Tweeddale became Chancellor, Rothes Privy Seal, Baillie of Jerviswood Treasurer Depute, Cromarty Justice-General, Belhaven a lord of the Treasury, and Seafield and Roxburgh Secretaries of State.

¹ Clerk (*Memoirs*, p. 53) attributes this to "some trick or other"; but no complaint appears to have been made, and we shall find that Godolphin mentioned the omission of this clause as one of his reasons for advising the Queen to assent to the Act.

² For the Parliament of 1704, see Hume's *Diary*, pp. 136-162; Boyer's *Annals of Queen Anne*, iii. 10-40; Lockhart, i. 99-107; Burnet, v. 172-178; *Reflections on a late Speech by the Lord Haversham*, pp. 7-32.

³ Brit. Mus. MSS., 6420, fol. 15.

England could not fail to be alarmed by the news that an Act had been passed in Scotland, providing that the kingdom, except under conditions not likely to be realised, should become independent at the Queen's death, and meanwhile should be put into a posture of defence; but, just before the Act of Security received the royal assent, Marlborough, unknown to his countrymen, had won the great victory of Blenheim; and Englishmen were so much interested in the campaign of this summer, and so much elated by its success, that, according to a contemporary writer, even some members of Parliament were not aware of what had taken place in Scotland, and, when the Act was shown to them, would scarcely believe it.¹ The two Houses met at the end of October; and on November 23, having requested a full attendance of peers on the ground that he had matters of great importance to lay before them, Lord Haversham reviewed the situation in Scotland in the course of an elaborate speech. He exposed the failure of the Tweeddale administration to establish the succession, which he attributed to its "motley" character and to a generally received opinion that neither the English nor the Scottish Ministers had set themselves in earnest to the task; and he declared that no reasonable person could believe that they had ever really favoured the English succession who had either promoted or assented to what was practically a Bill for excluding it from Scotland. He referred particularly to the clause in the Act which placed the Protestant population under arms; and, asserting that "much discontent and great poverty" were the causes of all troubles, he showed how dangerous such an enactment must be in the case of a kingdom whose nobility and gentry were so brave, so intelligent,

¹ *Somers Tracts*, xii. 505.

and so discontented as those of Scotland, and whose common people were so numerous, so hardy, and so poor.¹

Godolphin, though not mentioned by name, was of course the real object of this attack; and Anne, through her husband, Prince George, had previously sent him an assurance of support. She had never yet attended a debate in the Lords; but, when Haversham's speech, in so far as it related to Scotland, was taken into consideration by the House, "the Queen herself," as Roxburgh expressed it, "was in person to take care of the Ancient Kingdom," and doubtless also to restrain the wrath of the Opposition, both on November 29, when the debate opened, and again, when it was resumed, on December 6. The Lord Treasurer on this occasion had to meet attack both from the Tories who, as we shall see, had been put out of the Government, and from the Whigs who as yet had failed to get in. Nottingham and Rochester insisted that the Act of Security, if it had diminished the risk of rebellion in Scotland, had made it more formidable by providing for the arming of the people; and they urged that the statute, like the so-called "Darien Act," should be read and submitted to a vote. The Whig majority opposed this as certain to arouse the indignation of the Scots; but from this side also several sharp speeches were made. Somers severely criticised the conduct of affairs in Scotland since the beginning of the reign, dealing not only with the Act of Security, but with the Act of Peace and War, the Wine Act, and the Wool Act; and, in answer to the plea that the Government could not dispense with what in English parlance was called the Money Bill, Halifax asked what this Bill might be worth, and, on being told that its value was

¹ Boyer's *Annals*, iii. 159-162.

about £25,000, declared, with surprising irrelevance, that he himself would have been responsible that the people of England should have given twice that sum in order to prevent such measures becoming law. Bishop Burnet defended his countrymen by exposing the political hardships under which they had laboured since the union of the Crowns, and he reminded the peers that they themselves had contributed to the present crisis by their harsh treatment of the Scottish East India Company in 1695. Godolphin, in reply to his critics, said that the Crown had rejected the Act of Security in the previous session because the "communication clause" was in it, and because there was then money for the troops, and had now assented to it because there was no money and no such clause; and he defended the action of the Government on the ground that "whatever ill look it might have at present, it was not without remedy."¹

Godolphin undoubtedly advocated "a speedy union," and in July, 1703, he expressed his regret to Seafield that this project had "so little prevalency" with the Estates;² but he was a timid statesman, and, though his reluctance to give way to the Scottish demands may have been lessened by the hope of some such result, one can hardly subscribe to the opinion³ that he deliberately shaped his policy to this end. At the close of the previous session taxation was still available for the maintenance of the troops, but their pay even then was in arrear;⁴ and he probably assented to the Act of

¹*Jerviswood Correspondence*, pp. 12, 14-16; Boyer's *Annals*, iii. 163; Burnet, v. 182, note; Elliot's *Life of Godolphin*, p. 288.

²Graham's *Stair Annals*, i. 381.

³Elliot's *Life of Godolphin*, p. 287.

⁴See p. 95, note.

Security from the same fears which had induced him, under less urgent conditions, to assent to the Wine Act and the Act of Peace and War; and moreover, had his chief object been to put pressure on England, the clause as to the communication of trade would hardly have been left out.

The deliberations of the Lords terminated in the very sensible conclusion that, without expressing any opinion on the Scottish statute, they should endeavour to obviate its effects. Certain resolutions to this purpose were adopted on December 7 and digested into a Bill; but, when the Lords found that their right to originate a measure which imposed money penalties was disputed in the Lower House, they sacrificed their own Bill to one in very similar terms which had been sent up from the Commons; and this measure was passed on February 5, and received the royal assent on March 14, 1705. It authorised the Queen, as soon as a similar power should have been conferred upon her by the Parliament of Scotland, to nominate commissioners for a treaty of union; and, in order to procure the concurrence of the Scots within a reasonable time, it provided that after December 25 of this year all Scotsmen not actually resident in England, Ireland, or the colonies, or serving in the army or navy, should be treated as aliens; that no English horses, arms, or ammunition should be brought into Scotland, and that Scottish cattle, coals, and linen should be excluded from England.¹ Johnston, on seeing this statute, found it "very different from what any of us ever heard it to be";² and, except that the Commons had extended the Lords' Bill in such a way as to prescribe that the Scottish Commissioners, like the English, should be nominated by the

¹ *Statutes at Large*, iv. 178.

² *Jerviswood Correspondence*, p. 47.

Queen, there was nothing in it to which any Scottish patriot could reasonably object. Meanwhile, the Queen had assented to an address of the Lords, in which they requested her to provide for the defence of Newcastle, Tynemouth, Berwick, Carlisle, and Hull; to place some regular troops on the Border; and to call out the militia of the four northern shires.¹

The Alien Act, in so far at least as it coincided with the conclusions of the peers, was in great measure the work of Lords Halifax and Somers; and the growing power of these statesmen, out of office though they were, was exerted to transform the character of the Government in England, and ultimately in Scotland too. Godolphin and Marlborough had endeavoured to maintain, first a Tory, and then a composite, cabinet; but, under the influence of a successful war which the Tories disliked, contrary to their own inclination and to that of the Queen, they were driven more and more into the arms of the Whigs. As early as 1703 Rochester, who had opposed the declaration of hostilities, was forced to resign; next year Nottingham, Jersey, and Seymour were dismissed, the first of these being replaced by Harley, a moderate Tory, as Secretary of State; and in the spring of 1705 the Duke of Buckingham, formerly Lord Normanby,² was deprived of the Privy Seal; Sunderland, the son-in-law of Marlborough and a violent Whig, was despatched as ambassador-extraordinary to Vienna; and the woolsack was promised to Somers' friend, Cowper—a promise which was fulfilled after a general election in the same year had secured the predominance, though not as yet the

¹ Bruce, appendix lv., lvi; Tindal's *Continuation of Rapin*, xxi. 114-118.

² See p. 79.

monopoly, of the Whigs.¹ The bias of this party, which represented, on the whole, the nonconformist and commercial as opposed to the Church and rural interests of England, ran directly counter to the Darien project, and also to the Act of Security, which threatened to exclude the Hanoverian succession; and its leaders looked with little favour on the present holders of political power in Scotland, who had promoted both of these schemes, and who, therefore, as Roxburgh expressed it, were not their "right tools." The Whigs, in fact, wished to reinstate the Old or Revolution Party, not entirely Presbyterian, which had supported William throughout the whole of his reign, and the leading representatives of which were Queensberry, who had indeed deserted this party in 1702, but who had atoned for that error by his efforts to unravel the "Scots Plot," his confidant, the Marquis of Annandale, and, as hereditary chief of the Presbyterians, the young Duke of Argyll. In December, 1704, as the result of Whig attacks on the Act of Security,² it was reported at Edinburgh that there was to be an entire change in the management of Scottish affairs; soon afterwards Cockburn of Ormiston, a rigid Presbyterian, for whom, on the death of Mackenzie's successor, the Whigs had procured the office of Justice-Clerk, was described by Roxburgh as "truly master of Scotland"; on February 20, 1705, Argyll announced to a friend that he had been fixed upon as Commissioner; and on March 9 Tweeddale resigned the chancellorship, for which his friends

¹ Coxe's *Marlborough*, i. 261, 348.

² Lord Dartmouth, in a note to Burnet's *History* (v. 183), says that Godolphin "delivered himself entirely into their (the Whigs') management, provided they brought him off." The *Jerviswood Correspondence* amply confirms this.

acknowledged him to be unfit, to its former occupant, Seafeld, and Annandale replaced the latter as Secretary of State.¹

At this point the movement towards union which had originated in the affair of Darien was accelerated by an indirect consequence of that memorable dispute. A Scottish vessel, bound for the East Indies, had been seized, at the instance of the India House, in the Thames; and the *Worcester*, a ship erroneously supposed to be one of the London Company's fleet, having soon afterwards put into the Forth for repairs, the Scottish Company demanded its detention, and, when the Government refused to take action, seized it for themselves. Words used by some of the *Worcester's* crew gave rise to suspicion, which soon ripened into belief, that they were responsible for the disappearance of the *Speedy Return*, a vessel which had had the rare good fortune to come back from Darien, whither it had gone in support of the third expedition,² but which, on a subsequent voyage to the East Indies, had long been missing; and in March, 1705, Captain Green and fourteen of his men were tried and convicted on evidence which rendered it not improbable that they had been guilty of piracy and even of murder, but which certainly established no real connexion between their perpetration of these crimes and the fate of the *Speedy Return*. The issue of the trial was a subject of vehement interest to both the English and the Scottish public, the one believing that the sailors had been condemned because they were Englishmen, and the other fearing that on this ground, and because

¹ *Jerviswood Correspondence*, pp. 29, 30, 40, 46; "Original Letters on the Union" in *Edinburgh Review*, clxxvi. 510.

² See p. 50.

their reputed victims were Scotsmen, they would be allowed to go free. At the command of the Queen, which she had found it necessary to repeat, the Privy Council consented, indeed, to respite the five prisoners, who were to suffer first, till April 11; but on the 10th, despite another letter from the Queen, the nine votes necessary to sanction a further reprieve could not be obtained; and on the following day, after the mob, excited by a rumour that mercy was to be shown, had made a most formidable demonstration—"such" wrote the Marquis of Annandale, "as never has been practised in my time nor in the age before in this nation,"¹ the sentence on three of the five victims was duly carried out. In order to avert the execution, the English Government had sent down copies of a declaration emitted at Portsmouth by two seamen who had served under Captain Drummond on board the *Speedy Return*, asserting that their vessel had been seized by the pirates of Madagascar; and it subsequently transpired that Drummond himself and several of his men had been seen alive on that island several years after Green and the other two had been executed for putting them to death. The populace, however, demanded no further sacrifice, and the rest of the prisoners were soon released.²

The failure of the Scottish Government to save Green and his companions was a serious blow to its

¹Hist. MSS. Commission, 15th Report, appendix, Part ix. 121.

²*State Trials*, xiv. 1199-1311; Defoe, pp. 46-50; Taylor's *Journey to Edenborough*, pp. 122-125; *Jerviswood Correspondence*, pp. 68, 74, 75. Defoe's chronology, it may be observed, is not very reliable. Thus he says (p. 87) that the English Alien Act was passed "the year before the Battle at Blenheim," whereas it was passed about six months later.

credit in England;¹ and the conduct of the Ministers in practically effacing themselves during the crisis was far from raising them in public esteem. Most of them, indeed, concurred in the reprieve; but at the Council of April 10 the New Party was represented only by Baillie of Jerviswood who did not vote; and Seafield who presided as Chancellor complained to Godolphin that none of the principal Ministers could be induced to attend either this meeting or the next.²

About a fortnight after the execution, Argyll arrived in Edinburgh. An ardent soldier, who had shown great gallantry in the war, particularly at the storming of Venloo, he had given proof of moral as well as of physical courage by writing to the Chancellor to suspend the sentence on Green³—a mode of communicating the royal pleasure which the Council declined to recognise; and as Commissioner, though only in his 25th year, he was to prove himself superior in strength, if not in dexterity, to statesmen much older and more experienced than himself. The Marquis of Annandale, a man of overbearing temper, whom his friends, according to Lockhart, employed only "as the Indians worship the devil, out of fear,"⁴ had agreed with Argyll that the present Ministry should be at once removed; but Annandale took offence when he found that Roxburgh, his colleague in the Secretaryship, was to be replaced by Argyll's relative, the Earl of Loudoun;

¹ "This business of Green etc. is the devil and all. It has spoiled all business. . . . The Whigs make a national Jacobitish business of it, and it will be trump'd up at all the elections."—*Jerviswood Correspondence*, pp. 70, 71.

² Burton's *Reign of Queen Anne*, i. 324.

³ This occasioned "a great flame" against Argyll.—"Original Letters on the Union;" *Edinburgh Review*, clxxvi. 511.

⁴ Lockhart, i. 138.

and he was still more displeased when, the Court having recommended delay, Argyll, without consulting him, sent off a despatch in which he declared that he would not and could not serve as Commissioner unless his advice was taken. In response to this vigorous protest, the Government was restored, politically and even personally, very much as it had stood at the death of King William, Loudoun becoming Secretary with Annandale, Queensberry Privy Seal, and his dependents, Murray of Philiphaugh and the Earl of Glasgow, Lord Register and Treasurer-Depute. Cromarty and Sir James Stewart retained their posts as Justice-General and Lord Advocate; Seafield, as we have seen, had already been made Chancellor, and Cockburn Justice-Clerk; and Leven in October of the preceding year had been re-instated as Governor of Edinburgh Castle. The New Party consoled themselves with the reflection that the Court had been averse from the change, and that, as Godolphin himself admitted, they had been turned out to propitiate the Whigs.¹

Before the final settlement of this question another of more importance had emerged. The Darien controversy had disposed Scotsmen to insist either on the independence or on the expansion of their country, according as they gave way to patriotic indignation or looked forward to the only possible cure; and these conflicting tendencies gave rise to two practical interests, that of the Succession and that of the Union. The Old or Revolution Party had always favoured a union; they had regretted the opportunity for this which had been lost at the Revolution; in the Parliament of 1703 they had insisted, from whatever motives, on "a free communication of trade"; and in the last session

¹ Add. MSS. 28085, fol. 225; *Jerviswood Correspondence*, pp. 65, 84.

Queensberry's friends had supported the resolution that no successor should be chosen till a treaty had been concluded with England. The New Party, on the other hand, in accordance with the Act of Security, proposed to establish the Hanoverian succession on such conditions as should free Scotland from English control; and the ultra-Presbyterians, with or without such securities, were zealous for the Electress Sophia. Argyll at first had favoured the succession; but, under the influence of Queensberry and Stair, he was soon won over to the policy of the Scottish, as distinguished from the English, Whigs.¹ The only dissentients were Annandale and Cockburn, though Sir James Stewart inclined to the same view; but these statesmen were so determined, and, having the New Party behind them, were so much to be feared, that two draughts of the letter which the Queen was to submit to Parliament were sent up to Court; and, as might have been expected from the Whig ascendancy in England, the Queen, whilst approving both draughts, gave the preference to that in which the succession was put first.²

In the session of Parliament which was opened formally on June 28, 1705, and for business on July 3,

¹The House of Lords, it will be remembered, had attributed the "Scots Plot" to the fact that the Hanoverian succession had not been recognised in Scotland. A member of this House said "that the persons of the highest quality in that kingdom were kept in whilst they appeared against the Succession and turned out when they were endeavouring to promote it."—*Vulpone*, p. 7.

²Add. MSS. 28085 fol. 225; *Vulpone*, pp. 13, 14; "A brief View of the late Scots Ministry" in *Somers Tracts*, xii. 617-622. Much of the first of these two pamphlets is engrossed, almost verbatim, in the second. A good account of the Ministerial changes will be found in Omond's *Life of Fletcher*, pp. 111-117; but the writer is hardly accurate in saying that the MSS. *Memorial*, cited above, "seems to be Argyll's account of the session written for the use of Godolphin." It deals only with Argyll's relations with Annandale before Parliament met.

there were, as in former sessions, three parties—the Court Party, the Country Party, and the Cavaliers. The second of these groups was that which styled itself the New Party; but, as its members held aloof, refusing to identify themselves either with the Cavaliers who had deserted them when they took office in 1704 or with the Court which had just dismissed them, it was more generally known as the “Squadron Volante”—a name which in some quarters had been applied to it as early as 1703. The Opposition had resolved to bring forward, as the first subject of discussion, the condition of the coin and of trade; and, the Ministry being aware of this, Annandale was to propose that Parliament should consider such limitations and conditions of government as should be necessary for the next Protestant successor, and that a committee to deal with commerce should at the same time be chosen. Annandale, according to Argyll, who roundly abused him in a letter to Godolphin, “managed the affair most abominably,” for, whether through accident or design, he did not mention the committee “till the moment before the vote,” when many members did not hear his proposal and those who did had not time to comprehend it; but, though defeated on this point, the Government contrived to carry their demand that the subject of trade should be considered by way of overture, and not under a resolve to exclude all other business. On July 17, after three sittings had been devoted to trade, Hamilton introduced the joint resolution which had been passed in the last session, that Parliament should not nominate a successor, (1) till a commercial treaty had been concluded with England, and (2) till such changes had been made in the constitution as should secure the liberty, religion, and independence of the

realm. The Ministers, favourable though most of them were to the first of these two demands, were bound by their instructions to oppose the resolution; and, though all the Squadrone voted with them, except Belhaven, who both spoke¹ and voted on the other side, they were again defeated, chiefly owing to the fact that, in the absence of their chief, Queensberry's friends did not care to vote against a resolution which they had supported in the previous year, and part of which they were disposed to support still. Queensberry, however, arrived a week later, and under his skilful guidance the project of union, which was now to be substituted for that of the succession, began to gain ground. On July 31 indeed, owing to the zeal of the Squadrone for "limitations," the Act for a treaty was put aside, "after a very warm debate," by the narrow majority of three;² but the first reading, then refused to that Act, was accorded to it on August 24; Hamilton on the 31st failed to procure the addition of a clause, that the proposed union should not derogate from the fundamental laws, rights, and privileges of the nation; next day another proposal, that no negotiations should be entered upon till the clause in the English Act which declared the Scots aliens had been repealed, was met, and met successfully, by the suggestion that this demand, instead of being inserted in the Act, should be voted as a resolution and presented in an address to the Crown;³ and on the following night Argyll and

¹ His speech, which is said to have had a great effect, will be found in Boyer's *Annals*, iv. 42-47.

² Annandale's letter in the 15th Report of the Hist. MSS. Commission, Pt. ix. 122 must be misdated July 18, as it refers to this debate, and not to that of July 17; and Godolphin's reply must refer to a previous letter in which the debate of the 17th had been described.

³ Queensberry had employed the same stratagem in 1700. See p. 64.

Queensberry won their final triumph, when Hamilton, to the consternation of his friends, introduced and carried a motion that the Scottish Commissioners should be nominated by the Queen. The Duke no doubt hoped in this way to secure his own nomination, which, had the choice been left to Parliament, his opponents might have been able to prevent; but his action, from whatever motive it proceeded, was of the greatest service to the Government, since it ensured the compliance of Scotland with the condition which had been laid down, however unjustifiably, in the English Act.¹

This was the third negotiation which had been set on foot for a parliamentary union, and it certainly opened under more favourable auspices than either of the two previous attempts. The Commissioners who met in 1670 had already failed to come to an understanding on the subordinate but vital question of trade; the commercial antagonism of the two countries had not yet become acute; Episcopacy, which a union would have perpetuated in Scotland, was obnoxious to a large class, and had been established by arbitrary means; the British Crown was at peace; and the Scots, having lately recovered their nationality, were alive indeed to its penalties, but still more to the privileges it conferred. In 1702 almost all these conditions were reversed; but the Scottish Parliament which authorised the treaty had been disowned as illegal by a large minority of its members, and in England the Tories had succeeded to the management of a project which they had opposed, and which in both countries had originated with the

¹ *Act. Parl.* appendix, pp. 69-97; Boyer's *Annals*, iv. 31-61; Lockhart's *Memoirs*, i. 115-137; *Edinburgh Review*, clxxvi. 514-517; Taylor's *Journey*, pp. 114-118.

Whigs. No such difficulty was to be apprehended in 1705,¹ the Whig interest in Edinburgh as in London having lately become supreme ; and, at a time when the relations of the two kingdoms as determined by the Act of Security and the Alien Act had come to such a pass that no alternative remained but that of union or war, it might reasonably be hoped that the problem, which had hitherto proved insoluble, would at last be solved.

¹ Roxburgh in November of this year expressed his conviction that the only thing that could prevent a union would be "a new jumble" between the Court and the Tories in the English Parliament.—*Jerviswood Correspondence*, p. 139.

CHAPTER III

THE UNION, 1706-1707

IN dealing with so momentous a crisis in the history of Scotland as that at which we are now arrived, it will be advisable in the first place to trace the external progress of the Union as it revealed itself in Parliament and in the country, and then, with this outline before us, to look more closely into the character of the movement as determined by the action of political parties and of individual statesmen. The attitude of the Church, belonging as it does to the evolution of ecclesiastical history, will be studied more conveniently at a subsequent stage.

The Act empowering the Queen to appoint Commissioners on behalf of Scotland for a treaty of union had received the royal assent on September 21, 1705; on November 27 the clause in the English Act of which the Estates had complained, and also the restrictions on trade, were unanimously repealed; but the Scottish Commissioners were not nominated till February 27, 1706, and the English till April 10. In making the nomination for Scotland, the Crown and its advisers had to consider whether they should choose Commissioners of the type most likely to bring

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the treaty to a favourable issue, or whether they should facilitate its progress through Parliament by making a more comprehensive choice. Marchmont, in three letters written on the same day to the Queen and the Dukes of Devonshire and Argyll, insisted with great earnestness that none but Jacobites should be excluded from the Commission;¹ but, though their most trusted adviser, Stair, appears to have concurred in this view,² Queensberry and Godolphin proceeded almost wholly on the opposite plan. Of the thirty-one Commissioners, a dozen of whom had served on the Commission of 1702, fifteen were Ministers, councillors or officials; and it would be difficult to controvert the statement of Lockhart, who, though a violent Jacobite, had been selected as the nephew of Lord Wharton, that all of them, except himself, "were of the Court or Whig interest."³ Argyll had declined to act on the ground that the services of Hamilton, to whom he had promised nomination, had not been recognised; the Squadrone was excluded; and the Country Party in the wider sense was represented only by its former members, Dundas of Arniston and William Seton of Pitmedden, the latter of whom, as early as 1700, had advocated not merely a parliamentary, but even a legal and ecclesiastical

¹ *Marchmont Papers*, iii. 285, 293, 295.

² Burnet, v. 281. Stair, though he strongly favoured incorporation, was disposed not to insist upon it at present—see his letter to Mar in *Stair Annals*, i. 211—and probably, therefore, agreed with Marchmont.

³ Lockhart, i. 141; Clerk's MSS. quoted by Somerville, p. 234, note. Burnet's unaccountable statement (v. 280) that the Scottish Commissioners were "strangely chosen, the far greater number having continued in an opposition to the government ever since the revolution," has misled several modern writers. In Hooke's list (*Correspondence*, ii. 51) the Earl of Mar and Viscount Duplin are marked as Jacobites, but they had done little as yet to justify the appellation.

union.¹ The English Commission included Godolphin, the Tory Secretaries of State, Hedges and Harley, and such familiar Whig names as Newcastle, Devonshire, Cowper, Townshend, Wharton, Halifax, and Somers.

The scope of the conference which opened at Westminster on April 16, 1706, was narrower in theory, if not in practice, than that of 1702, inasmuch as the Commissioners of each country were prohibited from treating for any alteration in ritual or government of the national Church. The Lord Keeper of England gave felicitous expression to the spirit in which alone such negotiations could be expected to succeed when he declared for himself and his colleagues that they were determined "to have the general and joint good of both kingdoms solely in our view, and not the separate of either, but to act as if we were already united in interest, and had nothing left to consider but what settlements and provisions are most likely to conduce to the common safety and happiness of this whole island of Great Britain." The proposals put forward at the beginning of the conference were substantially the same as in 1702, except that on this occasion it was the English and not the Scottish Commissioners who suggested a parliamentary union; and on April 25 a provisional agreement was arrived at, according to which the two kingdoms were to be united in one monarchy and Parliament under the name of Great Britain; the succession was to be vested in the Princess Sophia of Hanover and her Protestant heirs; and at home and in the colonies there was to

¹See his *Interest of Scotland Considered*, pp. 41-49. Laing (iii. 300) confuses Cockburn of Ormiston with his son in saying that he belonged to the Squadrone.

be complete freedom of trade. Community of privileges entailed of course reciprocal obligations; and, in order to establish in this respect a real and not merely a nominal equality between the two countries, it was agreed that Scotland, till it had time to profit by the Union, should be granted some relief from taxation, and that neither country should be burdened with the debts of the other. In accordance with this resolution, which had been accepted in principle in 1702, the Scots were exempted from several temporary imposts, most of which were to expire in 1710; and for seven years from the duty on home-made salt; and as, with these exceptions, their Commissioners had agreed to an equality of duties, they were to receive at the Union, in compensation for such part of their revenue as should be appropriated to the English debt, a sum of almost £398,085; additional compensation was to be given for whatever of the salt duty, to be levied after seven years, should be applied to this purpose; and Scotland, during that period, was to enjoy the whole increase of the excise and customs duties on liquors beyond their present amount. The total "Equivalent," direct and indirect, was to be spent in paying off the public debt, in refunding to the African and Indian Company, which was to be dissolved, its capital and interest, in making good to individuals whatever loss they might incur through the reduction of the coin to the English standard, and in encouraging fisheries and manufactures. The Scottish Commissioners in 1702 had proposed that Scotland's share of the English land tax, which at 4s. in the pound produced nearly two millions, should be £48,000; and this proposal, set aside, if not rejected, at the former conference, was now agreed to, on the

basis of £12,000 for every shilling, more or less, levied in England.

The other articles of the treaty, less complex than these financial arrangements, may be briefly summarised. Scotland was to be represented in the Parliament of the United Kingdom by 16 elective peers and 45 commons;¹ the Scottish legal system, subject only to the supervision of Parliament, was to be preserved, and the Privy Council till Parliament should think fit to alter or abolish it; the public law of Scotland was to be assimilated to that of England, but the law as to private rights was not to be altered except for the evident utility of Scotsmen; coinage, weights and measures were to be uniform; a great seal, different from either the English or the Scottish, was to be adopted for the United Kingdom; the arms of Scotland were to be quartered with those of England in such manner as the Queen should appoint; and the crosses of St. George and St. Andrew were to be conjoined on the national flag. The articles, 25 in number, were signed on July 22.

One of the preliminary conditions of the conference

¹ The English Commissioners proposed to allow Scotland only 38 members, whilst the Scottish Commissioners demanded 50; and, the rule that proposals should be made in writing having been relaxed in order to permit of an oral discussion on this point, it was agreed that the number should be 45. On the basis of taxation as determined by their share of the land tax, the Scots would have been entitled to only 13 members or one fortieth of the existing House of Commons, whilst on the basis of population, Scotland having one million of inhabitants (Defoe says two, but see Laing, iii. 305, note) to England's six, they ought to have had 85. Neither of these standards, however, was at all applicable to the English representative system, in which a county so poor and thinly populated as Cornwall had 44 members; and considering that Scotland was to retain her Church and legal system, and must necessarily be interested in preserving them, 50 members or a tenth of the English representation would certainly have been no more than her just share.

had provided that its proceedings should be kept secret ; but, though the articles were not published till the meeting of Parliament in October, the Scottish Commissioners were at no great pains to conceal the fact that they had obtained from England a free communication of trade, and the public soon convinced itself that the abolition of the national Parliament was to be the price of this boon.¹ It might, indeed, have been supposed that even such a sacrifice, serious as it was, would not be deemed too great. The Convention of Estates in 1689 had not only appointed Commissioners to negotiate "one entire and perpetual union," but had referred to King William the determination of any difficulties that might arise in the progress of the treaty ; and the Commission of 1702, before any such suggestion had been made on the part of England, had proposed that both kingdoms should be represented in one Parliament. Within the last few years, however, public opinion had undergone a complete change.² The new policy adopted by the Court in 1703 had resulted in placing it at the mercy of a coalition of Countrymen and Cavaliers ; the Act of Security and the proposal of constitutional limitations had done more than even the Darien disaster—which, after all, was an argument for communication of trade—to foster an anti-English spirit ; and the only

¹ Several pamphlets against incorporation were written, if not published, before Parliament met ; and Belhaven on September 19 was said to be "like a madman roaring against the union."—*Jerviswood Correspondence*, p. 159. The author of *The State of the Controversy betwixt United and Separate Parliaments* had even (p. 6) the journal of the treaty before him.

² "About five years ago, and so for twenty years before, I did not know one in Scotland who was not for the Union at any rate, and now I know not what some men are for."—Paterson's *Inquiry into the Reasonableness and Consequences of an Union with Scotland*, 1706 ; *Works*, i. 180.

important treatise against an incorporating union that had yet appeared was published in that year.¹ The Commissioners of 1706 were so alive to the disfavour with which their countrymen regarded incorporation that, though personally convinced of its necessity, they attempted to evade the English demand;² and the reception of their labours in Scotland amply justified their fears.

From the beginning to the close of the debates in Parliament, if not even earlier, a stream of pamphlets continued to issue from the press, in which the character and provisions of the treaty were frequently, indeed, defended, but more often violently assailed. Hodges, the most voluminous and the most intemperate of all the writers against the Union, set himself without scruple to magnify the sacrifices demanded of his country and to belittle its probable gains. Scotland, as he represented it, was the most ancient of existing monarchies, having preserved its sovereignty and independence "for above a third part of the world's age"; its people, whom alone the Romans had failed to subdue, "remained the only nation of Europe unconquered to this day"; its political system, though liable to some abuses, was "one of the best constitutions of monarchical government" that had ever been devised; no nation in the world was so uniform in religion, so free of doctrinal errors as the Scots; in no country was the Gospel "so faithfully, painfully, diligently, purely" preached; and

¹ Hodges' *Rights and Interests of the two British Monarchies*. This first treatise—the second was not published, and the third appeared in 1706—was written before the treaty of 1702; but the author anticipates (see p. 5 of Preface) the principles of the Act of Security, whilst admitting (p. 52) that the idea of an incorporating union was then popular.

² Lockhart, i. 153; Clerk's *Memoirs*, p. 60; *Carstairs State Papers*, p. 743.

no Church had "Satan's kingdom in general under such powerful and awful checks" as the Church of Scotland. If the method of incorporation were adopted, Scotland must unite with England as the less considerable kingdom in regard to trade, wealth, number of people, and military power, whereas in justice it could not "otherwise unite than as the preferable kingdom with respect to antiquity, honour, and dignity of precedency." England had been conquered in turn by the Romans, the Saxons,¹ the Danes, and the Normans; heresy of every kind abounded there; nowhere else were suicide and murder so frequent; in impiety "and all manner of horrid wickedness" it was worse than Sodom or Gomorrah; its Church was overspread with Arminianism, Socinianism, popery, and lifeless worship; its wits were mostly Deists; and Scotsmen were warned that, if they became one people with the English for the sake of participating in their riches and trade, they must involve themselves in these "debts to the justice of God." Apart, however, from this awful penalty, no solid argument could be adduced in favour of such a step. Would it not be madness in Scotsmen to barter that "most noble monument of antiquity" their national independence "for some hogsheads of sugar, indigo, and stinking tobacco of the Plantation trade," especially as Hodges was able to assure them, from his own experience, that tobacco, far superior in "strength, sweetness, and goodness," might be grown at home? Nothing could compensate Scotland for the loss of its Parliament, its Government, its "shadow of a court"; the price of ale would be doubled, whilst the gentry

¹ The Saxons or English had of course conquered England in the same way as the Scots had conquered Scotland; but an excited pamphleteer could not be expected to take account of this.

would have to drink bad claret at six shillings, instead of having it good at two; if Scotsmen had free access to the colonies, the depopulation from which the country had long suffered would go on apace; the fisheries could be improved only with English capital, and the bulk of the profits would go to England; the African and Indian Company was to be sold nominally for a considerable sum, but really for the privilege of helping to pay off the English debt; Presbytery would speedily be overthrown; and the 45 Commons—to quote another writer—would awake from their “dream of being one and not two” to find themselves circumvented on all hands by a majority of English votes, and might “dance round to all eternity in this trap of their own making.”¹ In short, “scarcely anything worse or more ruinous of its interests” could happen to Scotland than an incorporating union; and there could be no security that the articles, bad as they were, would be observed; for a compact such as this implied two nations, and now there was to be only one.²

The writers against the Union were somewhat vague in their suggestions as to what they had to offer in its place; but Hodges undertook in due time “to propose means which, with the blessing of God, shall make Scotland one of the most attractive centres of trade, money, and people that is in Europe”;³ and a Jacobite

¹ *The State of the Controversy betwixt United and Separate Parliaments*, p. 16.

² *The Rights and Interests of the two British Monarchies: Treatise III., passim*. It is pleasant to find so verbose and diffuse a writer as Hodges thus neatly summing up (p. 126) the English and Scottish arguments for Union: “The English are so bent upon securing the backdoor against enemies, and the Scots so bent upon opening the fore-door for an outlet into England.”

³ “’Tis spoke very like a quack doctor on a stage,” is the comment of Clerk.—*Letter to a Friend*, p. 38.

pamphleteer assured his excited countrymen that all they wanted to make them happy and prosperous was "inaction and to stand by awhile and look on." On the basis of the Act of Security which they already possessed, they might ally themselves with the Dutch, obtain the wines and fruits of France cheaper at Edinburgh than at Paris, and through friendship with that country make such progress in refinement that "the English Court, outdone by ours in politeness, shall be fain to borrow our modes."¹

These flights of windy rhetoric and enormous lying were not allowed to pass unchallenged. As the Union had the support of the Government, and, to a great extent, of the upper classes, its claims could not fail to be ably advocated in the press; but the Unionist pamphleteers, conscious of their superiority to vulgar passions and prejudices, presented their case with a frankness of statement which, however refreshing in itself, was more likely to inflame than to conciliate the popular humour. Why, it was asked, should people allow themselves to be "bantered out of their common sense" by chimeras of federalism² when England refused

¹ *The Advantages of the Act of Security compared with these of the Intended Union*, p. 32.

² Ridpath seems to have been the only writer who suggested a definite scheme of federation. He proposed that things of joint interest, such as allegiance, peace and war, communication and mutual support of trade, should be managed by deputations from the Scottish to the English Parliament, and when the Parliaments were not sitting, by a Council of Trade similar to the Committee of both Kingdoms which existed during the Great Civil War; and he proposed to retain the Scottish Parliament for the following purposes: (1) to make and amend the municipal law; (2) to determine appeals from the Court of Session; (3) to call to account judges and officials; and (4) to be surety to the people of Scotland that the articles of the Union should be observed. On great occasions the two legislatures were to unite.—*Considerations on the Union of the Two Kingdoms*, pp. 41, 51. Paterson's federal scheme is offered only to be refuted.—*Works*, i. 176.

to negotiate on such terms, and when it must be plain to the meanest understanding that her commercial and colonial monopoly would never be surrendered at so low a price? The independence of Scotland was "true in itself and undeniable in law," but for a hundred years it had been little more than a name. Nominally a sovereign state, Scotland from the international point of view was a geographical, not a political term; it had no fleet, and practically no army; it appeared in no treaty, and was represented at no foreign Court; the Acts of its Parliament were liable to be nullified, though they could not be annulled, by English statutes; and the true seat of its government was not Edinburgh, but London. Was it so great a sacrifice that such a sovereignty as this, "precarious, imaginary, and fantastical," should be exchanged for participation in a solid dominion which would secure the whole island from invasion, enhance its reputation abroad, and establish unity and peace at home? The long quarrel, in which so much blood had been shed, was to be closed in a manner entirely honourable to both parties by the adoption of a new title, a new seal, new arms, and a new national flag. The inferiority of a poor and undeveloped to a rich and powerful state must necessarily be recognised in the terms of union; but was not a twelfth share in the disposal of £6,000,000 preferable to the sole disposal of £160,000, and was it not better to influence to that extent the destinies of Europe than not to influence them at all? Scottish Presbytery would be far more secure after the Union than it was now, when the supremacy of Toryism in England might at any moment effect its ruin;¹ the population of the country, its commerce,

¹ Defoe's *Essay at Removing National Prejudices*, Pt. iii. pp. 14-15.

fisheries, and manufactures would be enormously developed; and if in social intercourse the influence of the predominant partner should make itself felt, would that be matter of regret? Was it entirely due to superiority of natural resources that England was seven times as populous as Scotland, and sixty times as rich; that Oxfordshire, not so large as Fife, produced almost as much in land-tax as the whole of Scotland; and that a town no bigger than Newcastle had more trade, and paid more customs than all the Scottish burghs? Were the landowners of England not more generous to their tenants,¹ its farms more fairly rented and on longer leases, its dwellings neater and cleaner, its agriculture vastly more advanced, its laws better administered; and were Englishmen as prone as Scotsmen to find in "trifling differences in religion" the excuse for "uncharitable and unreasonable divisions"? In fact, as one writer² bluntly expressed it, Scotland, whether or not it gained by the Union, was not likely to lose, since it was "scarcely conceivable how any condition of life we can fall into can render us more miserable and poor than we are."³

As the time approached for the meeting of Parliament, the Government must have realised that so many

¹ The harshness and rack-renting of Scottish landlords are often referred to by Unionist pamphleteers. See especially *Scotland's Great Advantage by an Incorporating Union*, p. 12, and see also Taylor's *Journey*, p. 100.

² Clerk of Penicuik in *Letter to a Friend*, p. 6.

³ Most of the arguments just cited are taken from *A Sermon preached to the People at the Mercat Cross of Edinburgh*, the most eloquent, vigorous, and incisive of all the Union tracts. Mr. Mackinnon rates too highly the courage of the clergy and the patience of an Edinburgh mob when he assumes (p. 263) that this sermon from an apocryphal text was actually delivered. The text was a good one:—"Better is he that laboureth and aboundeth in all things than he that boasteth himself and wanteth bread."

hostile interests were united in opposition to the treaty that to obtain its ratification would be anything but an easy task. The partisans of the Pretender were certain to be foremost in opposition, particularly as French intrigues had lately been at work to quicken their zeal. In August, 1705, Colonel Hooke had arrived at Edinburgh with letters to the Duke of Hamilton, the Earl of Home, and several other peers, in which Louis XIV. expressed his esteem for their persons, and his readiness to assist them in asserting the liberties and independence of Scotland. The Jacobites suspected with good reason that Louis' plan for emancipating their country was to raise such a "combustion" in it as should effectually check the progress of the English arms; and Lockhart having informed them, on his return from London, that their friends in England had decided not to rise during the Queen's life, they contented themselves with sending an envoy to ascertain what assistance was to be expected from France—a mission to which Marlborough's victory of Ramillies in May of this year ensured an unfavourable reply.¹

To the certainty of Jacobite, and also of Episcopal, opposition, was added no little anxiety as to the attitude of the Church; for, whilst such leading Presbyterians as Marchmont and Cockburn of Ormiston—the latter a recent convert²—supported the treaty, it was impossible to know what effect would be produced on the clergy and the laity by the appeals of Unionist and anti-Unionist pamphleteers, the first of whom asserted that nothing but union could secure the Protestant interest, and the second that such a measure would bring

¹ *Lockhart Papers*, i. 147-150; *Hooke Correspondence*, i. 208-212.

² *Jerviswood Correspondence*, p. 156; *Carstairs State Papers*, pp. 744, 748.

Presbytery to ruin. Another factor supposed to be doubtful, but which had really been determined, was the action of the Squadrone. We have seen that the leaders of this party had been excluded from the Commission, on which apparently they had no great wish to serve; but, though reluctant to depart from the policy which they had hitherto advocated, that a settlement of the succession with limitations should precede a treaty of union, they had decided, as we learn from their private correspondence, that the Union was their "only game." On December 15, 1705, Roxburgh, who had already expressed himself to this effect, wrote to Baillie, "The more I think of union, the more I like it." Baillie on the same day wrote that "wise men will be forced to drink the potion to prevent greater evils"; and in the following April he reported that such of his friends as he had conversed with seemed to hold the same view.¹

The Duke of Queensberry, who had piloted King William's Government through the storms of the Darien agitation, was selected in this still graver crisis to steer that of Queen Anne; and the last session of the last Scottish Parliament opened under his auspices as Commissioner on October 3, 1706. On that day the twenty-five articles, having been presented and read, were ordered to be printed, as also were the minutes of proceedings; and, in order to facilitate its digestion of the treaty, the House then adjourned for a week.² This interval was very welcome to the anti-Unionist leaders who hoped to turn it to account in fomenting the

¹ *Jerviswood Correspondence*, pp. 141, 142, 147, 152.

² Defoe says that "in this juncture" Hodges' Third Treatise appeared, and "was industriously spread over all the Kingdom in a few days." It had been written, in answer to Paterson's *Enquiry*, before the articles were disclosed.

popular wrath ; when Parliament re-assembled, some of them, not remarkable for piety, began to talk of a national fast ; and, though they failed to carry a proposal that members should have time to consult their constituents, or to postpone the consideration of the treaty by pleading for a further delay of only eight days, they were no great losers by their defeat, since the Government consented, in order to give ample scope for discussion, that the articles should be debated in order as they were read, but that none of them should be voted till all had been discussed. The treaty, which had been more or less known to the public for twelve days, was thus canvassed in detail, within Parliament and without, from October 15 to October 30, whilst nothing as yet was being done to determine its fate. At such a juncture the Commission of the General Assembly was not disposed to be silent ; and its utterances, by calling attention to the gravity of the crisis, must necessarily have intensified the general excitement and suspense. The members of the Commission had already appointed the 18th to be observed by themselves and whoever should join them as a day of prayer, in view of "the great and weighty affairs now in agitation" ; on the 22nd they drew up a circular letter recommending every presbytery to appoint a day of fasting and intercession within its bounds ; and the service held at Edinburgh on the 31st, in compliance with this request, was rendered doubly impressive by the presence of the members of the Government, including the Commissioner himself. Grateful as they were for this action on the part of the Church, the anti-Unionists would have been still more pleased if the Commission had provoked a conflict in Parliament by applying for the sanction of the civil power, and if the national significance of the

fast had been emphasised by its being held throughout the country on one day.¹

The populace of Edinburgh, however, was now in such a mood that these additional incitements could easily be spared. Hearty cheers were raised outside the Parliament House when, the voting of the articles having been deferred, a statement that the first article had not been voted was interpreted to mean that it had been thrown out; Queensberry was daily cursed and hooted in the streets, whilst Hamilton was greeted with tumultuous applause; and these demonstrations culminated, as was to be expected, in a serious riot. On the evening of October 23, after a long debate on the 18th article, which provided that the law as to fiscal matters should be the same in Scotland as in England, a great crowd assembled in the Parliament Close. Hamilton, on entering his sedan-chair, was surrounded as usual by a band of youthful enthusiasts who proposed to escort him in triumph, as they had done on the previous evening, to his rooms in Holyrood Palace; but Hamilton on this occasion went up the High Street to visit the Duke of Athol; and, whilst waiting for his re-appearance, the mob attacked the house of Sir Patrick Johnston, the late Provost and one of the Commissioners for the Union—an attack which was frustrated by a detachment of the town-guard; and, their numbers having greatly increased, they put out the lights and roamed at pleasure through the town, insulting Unionist members on their way home, and breaking their windows. About midnight the rioters were joined by a number of sailors from Leith; and, though troops had already been sent down from the Castle, the tumult was not suppressed till the town, in

¹ Defoe, pp. 233-235, 285-291, 606-608; Hume's *Diary*, p. 177.

the early morning, had been occupied by a battalion of Foot-Guards. Next day a proclamation was issued, ordering the streets to be cleared in the event of any future disturbance, and indemnifying the military, after notice had been given to that effect, for any violence they might find it necessary to use; and henceforward elaborate precautions were taken to maintain order in the town. At the conclusion of each sitting the public were excluded from the Parliament Close; troops were stationed here and at various other points, in addition to the usual garrisons at Holyrood and the Castle; a double line of musketeers secured the passage of the Commissioner to the Cross; and he drove from thence to the Palace with a detachment of Horse-Guards, and frequently also of Foot-Guards, surrounding his coach. These measures, intended to secure the freedom and independence of Parliament, were naturally denounced by the Opposition as an attempt to overawe its debates.¹

Whilst such ebullitions of popular feeling were taking place out of doors, the desultory discussion of the treaty in Parliament was wearing to a close; and on October 30 the 25th and last article was reached. At the next sitting on November 1, in order to distinguish anti-Unionists from those who objected only to the terms of the treaty, Marchmont proposed that a vote should be taken on the first article, which provided that the two kingdoms should be united under the name of Great Britain; and this gave rise to a memorable debate which extended over three days. The Opposition urged that the further consideration of the treaty should be postponed till the sentiments of the English Parliament were known, and they also

¹ Defoe, pp. 237-240, 292, 610; *Portland Manuscripts*, iv. 340-341; Lockhart, i. 162-165.

renewed their former plea, enforced by the earliest of many addresses against the Union, that members should be allowed to consult their constituents. When, in spite of these arguments, it was proposed to consider the first article, and after that an Act for the security of the Church, on the understanding that, if the other articles were not agreed to, the approbation of the first should be of no effect, they supported the counter-proposal of Stewart of Pardovan, an ultra-Presbyterian, that the interests of the Church should be considered before any of the articles were voted; and when this also failed, they completed their inconsistency as Jacobites and Episcopalians—for most of them were both—by opposing the first article on the ground that it conflicted with that revolutionary charter, the Claim of Right. On Saturday, November 2, in the course of a debate which lasted from eleven in the forenoon till it was adjourned at eight at night, Seton of Pitmedden made an able speech in defence of the Union, and Belhaven attacked it in the greatest and most popular, if also the most turgid and over-strained, of all his political harangues.¹ On Monday² the Opposition brought forward a motion asserting their willingness to unite with England on such terms as should preserve the Scottish monarchy and constitution; and before the vote was taken, they discounted their defeat by presenting a protest against the abolition of the national Parliament. In support of the Government the Squadrone mustered all but two of their 24 votes; and as 115 members voted for incorporation, and 83

¹ "A speech contrived to incense the common people," wrote Seafield, "it had no great influence in the House."

² Defoe recalls at great length that this day, November 4, was the anniversary of King William's birth and of his arrival in Torbay. In point of fact William did not arrive there till November 5.

against it, the first article would have been rejected by a majority of 12, had they sided with the Opposition.

From November 4 to November 12 the House was occupied with legislation for securing the government of the Church, against which as insufficient a good many Episcopalians had the audacity to protest. In order to avoid a schism in their own ranks on the question of the succession, and as speedily as possible to discredit the Union by exposing what they considered its fiscal inequality, the Opposition proposed to proceed at once to the fourth and subsequent articles which related to taxes and trade. Outvoted in this, they moved to re-assert the principle of the Act of Security, that the Scottish should not be the English successor, except on suitable conditions; and Hamilton went so far as to support a proposal of the Marquis of Annandale that an address should be presented to the Queen, asserting the willingness of the nation on such conditions to settle the succession in the Protestant line. On November 15 the second article, recognising the Princess Sophia as Anne's successor, was passed. The third article, providing that the United Kingdom should be represented in one and the same Parliament, completed the general principle of the Union; and this was carried, after a warm debate, on November 18.¹

¹ Defoe, pp. 306-364; Lockhart, i. 179-190; Hume's *Diary*, p. 179; *Marchmont Papers*, iii. 303-309, 329, 427-430; *Jerviswood Correspondence*, pp. 167-168; Seafeld to Godolphin, November 3 and 7—Add. MSS. 28055. The editor of the *Marchmont Papers* is mistaken when he says, following Burnet and Laing, that Marchmont was a leader of the Squadrone: the letter on which this remark is made shows clearly that he was not. So also Seafeld: "The new party continues to act very zealously in conjunction with us, as does the Earl of Cromarty and Marchmont"; and Roxburgh makes the same distinction.—*Jerviswood Correspondence*, p. 138. On the other hand, Baillie in one place men-

These proceedings, to all appearance, were generally condemned. Public opinion as opposed to incorporation was first formally expressed on October 29, when every member on entering the House received a copy of certain instructions which had been given by the magistrates and town-council of Lauder to their representative, Sir David Cunningham of Milnraig, requiring him to dissent from all the twenty-five articles, and protesting that, if he supported the treaty, his vote should be void; and the member for Dumfriesshire was instructed by 31 of his constituents to the same effect. The first addresses to Parliament against the Union, five in number, were presented on November 1; and from this date to January 10 the House was occupied almost every day with the reading of petitions from parishes, burghs,¹ and shires, beseeching the Estates in nearly identical terms not to sanction any incorporating union, but to "support and preserve the sovereignty and independency of this independent kingdom and the rights and privileges of Parliament, which have been so valiantly maintained by our heroic ancestors for the space of near two thousand years." That some 90 addresses should have been presented against the Union, and not a single address in its favour, is said to have produced a very bad impression in England; but the phenomenon was not quite so significant as it looked. It is, indeed, a mistake to infer² the artificial character of these addresses from the fact that they were cast

tions Marchmont as one of the Squadrone.—*Ibid.* p. 188. The truth seems to have been that Marchmont, though he usually acted with the Squadrone, did not identify himself with it till it had become, like himself, Unionist as well as Hanoverian.

¹ An address of Edinburgh citizens was suppressed by the magistrates.—Lockhart, i. 168.

² Burton, viii. 148.

in a common form, for the same objection might be made to the petitions presented in favour of the African and Indian Company during the crisis of the Darien agitation, which was undoubtedly genuine, in 1700; and Defoe practically admits that if the Unionist leaders had attempted to compete in this respect with their opponents, at all events after the latter had taken the field against them, they would, as they anticipated, have suffered a defeat. It must, however, have been easy for Jacobite landowners to procure such expressions of opinion, many of which were very sparsely signed, from their vassals and dependents; and, numerous as the addresses were, they might easily—considering the deluge of anti-Unionist pamphlets, broadsides, and speeches—have been more numerous still. Of 34 shires, only 13 addressed; of 66 burghs, only 17; of 938 parishes, only 60; of 68 presbyteries, only 3. The most influential of the addresses, and the one which had most weight in England, was from the Convention of Royal Burghs; but only 44 burghs were represented at the Convention, of which 24 voted in favour of addressing, and 20 against it; and these last are said to have been more populous than both the 24 that favoured the address and the 22 that were absent, Edinburgh excepted. On the whole, it would seem that a very large section of the middle and lower classes was decidedly hostile to the Union, and that a more important, if a smaller, section was disposed to hold aloof.¹

The anti-Unionist sentiment, whatever its real strength, was of a lively, not to say combustible type; and it greatly exasperated the populace of Edinburgh to see the betrayers of their country, day after day,

¹ Defoe, *passim*; Boyer's *Annals*, v. 348-352, 424; Burnet, v. 290.

going on stolidly with their work, whilst Hamilton and Fletcher declaimed against them, and Belhaven on his "bended knees" implored them to stop, whilst the table was heaped with addresses, of which Argyll proposed to make kites, and whilst indignant patriots, not content with mere opposition, insisted on recording their dissent. The Commissioner was daily insulted; alarming letters reached him, in several of which he was warned of plots against his life; and even his military escort did not always preserve him from actual assault. On November 18, when the House adjourned at a late hour after passing the third article, the mob closed in upon his coach; stones were hurled at him—one of which bruised his hand—from windows and roofs; several of his attendants were wounded or beaten; and, the horses or the postilion taking fright, the strange spectacle was seen of Her Majesty's Commissioner driving furiously to the Palace, surrounded by galloping horsemen and panting Foot-Guards, and with the multitude hallooing at his heels.¹

Two days later, the articles of union were publicly burned by an armed force at Dumfries; and about the same time a disturbance, less remarkable for its violence than for its duration, was in progress at Glasgow. That town had long been in a state of chronic revolt owing to the refusal of the council in its corporate capacity to petition against the Union; and on November 7, after one of the ministers had preached an inflammatory sermon, the mob rose, seized some muskets from the Provost's house, and induced or forced the townspeople to send up an

¹ *Portland Manuscripts*, iv. 352; *Luttrell's Brief Relation*, vi. 110; *Hume's Diary*, p. 184.

anti-Unionist address. Soon afterwards, enraged by the arrest of one of their number, they made a fresh assault on the Provost, who narrowly escaped. The rioters were held in check for several days by a company of citizen volunteers; and, some 45 of them having marched out to a general rendezvous of the disaffected at Hamilton, Parliament on the following day, November 30, suspended the clause of the Act of Security which provided for the arming of the people. The proclamation of this Act at Glasgow caused a new and more serious riot, in which the Tolbooth was broken open, and many houses were ransacked for arms; but the men who had gone to Hamilton, having met with no support there, disbanded on their return; and on the same day, December 5, their leaders were arrested and carried to Edinburgh by a detachment of dragoons.¹

The Government, in applying to Parliament to suspend during this session the monthly levies authorised by the Act of Security, had been actuated by fear of more formidable opposition than that of a Glasgow mob. Major Cunningham of Ecket, one of the council of seven which had misgoverned the first Darien settlement, had devised a scheme for uniting in opposition to the Union the Jacobites of the north and the Cameronians of the south-west; and, unnatural as such a conjunction was—the more so as Ker of Kersland, the Cameronian leader, having been won over by Queensberry, was at pains to prejudice his followers against their new allies—it is said to have been due only to the timidity of Hamilton, who at the last moment countermanded the rising, that the Glasgow rioters, on reaching the place of that

¹ Defoe, pp. 266-280.

name, were not welcomed by a well-armed force of some 7000 men. This design having failed, perhaps because Hamilton was aware that English troops were concentrating at Berwick, another was set on foot, according to which the subscribers of addresses, or at all events the anti-Unionist gentry, were to come in a body to Edinburgh to entreat the Commissioner to give up the treaty or at least to grant such a recess as should enable them to apply for a new Parliament to the Queen; but Hamilton defeated this project also by insisting, in order to facilitate the opposition of the Tories to the Union in the English Parliament, that the petitioners should express their willingness to accept the Hanoverian succession; and when at his own suggestion it had been resolved that the anti-Unionist members, after protesting against the 22nd article which determined the representation of Scotland in the British Parliament, should secede from the House, he pleaded toothache as an excuse for staying at home, and, this difficulty having at last been overcome, raised a new and fatal dispute by refusing to allow the protestation to be presented in his name.¹

Unchecked by these abortive demonstrations, the work of debating and voting went steadily on. After the general principle of the Union had been accepted in the first, second, and third articles, the Opposition endeavoured to introduce such alterations in detail as might be expected to imperil, if not to prevent, its adoption in England; and Defoe professes to have been told that they actually prepared schemes of objections to be urged in the English Parliament

¹ Lockhart, i. 196-214; *Portland Manuscripts*, iv. 374, 376, 378; Ker of Kersland's *Memoirs*, pp. 30-39.

against their own amendments.¹ That they failed in this attempt was due in great measure to the firmness and foresight of Queensberry and his colleagues, who, as soon as the first article was passed, had drawn up a note of the alterations which would be required to conciliate the trading interest, and had emphatically warned the English Ministers that, without such concessions, nothing could be done.² In the form in which it was ratified by Parliament, the treaty had been altered in several minor, but important, respects. The fifth article had provided that all foreign-built ships should be regarded as British which were owned by Scotsmen when the treaty was signed; and this term was extended to the ratification of the treaty by the Scottish Parliament, that is, from July 22, 1706, to January 16, 1707. Two other articles, the sixth and eighth, were amended so as to allow Scotland a drawback on the exportation of oatmeal, and of beef and pork.³ The seventh article for the extension to Scotland of the English excise, and the eighth, in so far as it related to the salt-tax, were the most unpopular of all the commercial stipulations; and in both of these substantial changes were made. The Scottish Commissioners at Westminster had pleaded hard, but in vain, that the Scottish "tippeny ale," for purposes of taxation, should be reckoned as equal only to the English small-beer;⁴ and an excise duty was now adopted, on the suggestion of Defoe, which

¹ Defoe, p. 371.

² Seafield to Godolphin, November 7—Add. MSS. ; *Marchmont Papers*, iii. 433. Halifax, in a letter to Leven of November 21, entreated the Scottish Government to trust England, and not to make too many alterations as to trade.—*Leven and Melville Correspondence*, ii. 209.

³ The Government divided the House against this, and were beaten.

⁴ Clerk's *Letter to a Friend*, etc., pp. 23-24.

placed it midway between small beer and strong. With regard to the duty on home-made salt, which was to be levied after seven years, it was enacted that Scotland, whilst paying the original duty of a shilling a bushel, should be exempted from an additional duty of 2s. 4d., imposed in the preceding reign; and importers, being liable to the full English duty, were permitted to warehouse their salt and to pay only in proportion to what they took out. The malt-tax, granted only till June, 1707, was one of the temporary burdens from which Scotland was to be free; but, in order to give definiteness to that exemption, it was enacted, in extension of the 14th article, that no such impost should be levied during the war. Amendments on other articles provided that £2000 out of the Equivalent should be devoted annually for seven years to the encouragement of the woollen manufacture, and that the regalia and public and private records should continue to be kept in Scotland. The preamble of the Act of Ratification recited that a statute had been passed for the security of the Scottish ecclesiastical system, which was to be "a fundamental and essential condition of the union"; and this statute confirmed all the Acts passed in favour of Presbytery at the Revolution, and provided that the successors of Queen Anne at their accession in all time coming should swear to preserve inviolably "the foresaid settlement of the true Protestant religion, with the government, worship, discipline, rights and privileges of this Church."

The 22nd article provided that, at the pleasure of the Queen, the existing Lords and Commons might represent England in the first Parliament of Great Britain; and, in order to balance the privilege thus

accorded to the English legislature, and at the same time to place the inauguration of the Union in safe hands, it was resolved on January 21, 1707, that the 16 Scottish peers and 45 commoners should be elected in the present Parliament. It was afterwards agreed that 30 members should be assigned to the shires, that Edinburgh should have one member, and that the rest of the burghs should be divided into 14 districts, to be represented by one member each.

The English Parliament had been in session since December 3; and on January 28, about five weeks after the standards and colours taken at the great battle of Ramillies had been deposited in Guildhall, the Queen announced to both Houses that the Treaty of Union, with some additions and alterations, had been ratified in Scotland. Marchmont had assured Lord Somers that the whole negotiation would be imperilled if the treaty was not returned to the Scottish Parliament in the identical form in which it had passed; and this warning was not thrown away. Though the Tories, especially in the Upper House, commented bitterly on such points as the peril of the Church, the degradation of the Scottish peerage, and the favour shown to Scotland in the matter of the land-tax and the Equivalent, the articles were debated and approved without amendment by the Lords in twelve days, and by the Commons in a week; and the Bill ratifying the treaty was so adroitly drawn, all the 25 articles and the Act in favour of the Scottish Church being thrown into the preamble, that those who had intended to propose alterations could find nothing to object to but the enacting clause.¹ The remainder of the Bill, which received the royal assent on March 6,

¹ Burnet, v. 295, whose account of the statute is a little inaccurate.

consisted of an Act which had been drafted by the bishops in defence of the English Church, and of a ratification of the arrangements made by the Estates for the representation of Scotland.¹

On March 19 the Commissioner presented to the Estates a copy of the English Act of Union, which was then read and recorded; on the 25th he adjourned, or in other words dissolved, the Parliament; and on April 2 he set out for London. Dismissing his Scottish retinue at Dunbar, he proceeded, almost unattended, to Berwick, where he was received "with great pomp and solemnity"; and thenceforward his journey resembled a royal progress, the magistrates of every town and the nobility and gentry of every county on the route coming out to do him honour. At Barnet he was greeted by a splendid company of Ministers and nobles; and having made a public entry into London on April 16, attended by 46 coaches and several hundred horsemen, he was waited upon at his residence the same evening by all the members of the Government, with the Lord Treasurer Godolphin at their head. The accomplishment of a measure which was to give a more imperishable lustre to her reign than the fading laurels of Blenheim and Ramillies was necessarily credited to Queen Anne; congratulatory addresses poured in upon her from almost every corporation and town; and on the morning of May 1, the first to dawn upon a United Kingdom, she drove in state through the City to a thanksgiving service in St. Paul's Cathedral, at which the *Te Deum* was sung to the accompaniment of the guns at the Tower and St. James's Park. On this day, as on that on which the Union Bill received the royal assent, there

¹ *Parliamentary History*, v. 551-578.

were many popular demonstrations of joy; for amongst the vast majority of the nation an intense feeling of thankfulness prevailed that the back-entrance which had so long threatened its safety was at last to be secured, and that Great Britain, in the words of a great Scottish statesman who in earlier days had laboured for the attainment of that high ideal, was henceforth to be a "monarchy by itself in the ocean, divided from the rest of the world."¹

¹ Clerk's *Memoirs*, pp. 67-69; Boyer's *Annals*, vi. 223-224; *Carstairs State Papers*, p. 760. Boyer gives an interesting account of how the Union was celebrated at Venice. In September, 1707, the Earl of Manchester, British Ambassador-Extraordinary, made his state entry into that city, escorted by sixty senators, each in his own gondola. On the prow of one of the ambassador's galleys, behind an equestrian statue of St. George in burnished steel, were two large figures, embracing and bearing respectively the English and the Scottish cross; the new arms were prominently displayed; and another of the galleys, on approaching St. Mark's Place, hoisted the Union colours and fired all her guns. The Union was also celebrated on the festival of St. Anne, by the University and corporation of Leipzig.—*Annals*, vi. 208-210.

CHAPTER IV

THE UNION FROM WITHIN

It was but natural that the parliamentary struggle which terminated with the ratification of the Treaty of Union on January 16, 1707, should have been waged with extraordinary fierceness and heat; for the Scottish constitution—to use a contemporary phrase—was dying, and every one acquainted with its history must have anticipated that it would die hard. Baillie of Jerviswood, turning from the “great disorder and confusion” occasioned by the discussion of the first article to watch the gathering tempest out of doors, reported that many of the Court party lacked courage, and that the treaty, at one stage or another of its progress, would probably be “thrown out.”¹ “The union,” wrote Defoe to Harley, a week later, is “yet a dark prospect.”² Sir James Murray of Philiphaugh described the condition of the House before the voting of the second article as one of such “scandalous disorder”—Unionists shouting for a division and anti-Unionists clamouring still to be heard—that Hamilton, the loudest of the brawlers, was reduced to silence only through the failing of his voice;³ and Lord

¹ *Jerviswood Correspondence*, p. 168. ² *Portland Manuscripts*, iv. 349.

³ *Marchmont Papers*, iii. 427.

Cromarty, the aged statesman of the Restoration, wrote to Godolphin after the riot of November 18, representing that the troops might at any moment be overpowered by the mob, that the country was arming, that the Queen's servants, especially the Commissioner, were "in great danger," and urging that Parliament should be adjourned.¹ The London Cabinet were naturally alarmed to find that one at least of their friends at Edinburgh was contemplating so fatal a step. Godolphin told them that to suspend consideration of the treaty would be to give it up; Harley praised their constancy and exhorted them to persevere; and Marlborough, though evidently most reluctant to send in English troops, assured them, after the abortive attempt at Hamilton, that a regiment of Horse-Guards was marching towards Berwick, and that in case of need all available troops on the Border and in the north of Ireland would hasten to their aid. "I must confess," wrote Harley to Leven, "that your lordship and the rest of you, though you have had a hard game to play, yet it is a glorious one, and I think I can defy all histories you have left to show a parallel instance of so steady virtue."²

The Government had reason to congratulate themselves on overcoming such difficulties as these; and it is not hard to distinguish some at least of the causes to

¹ *Marchmont Papers*, i. 431. This must be the letter to which Burnet refers when he says (v. 291) that Queensberry "despaired of succeeding," and that "one about him" wrote to Godolphin suggesting an adjournment. But Cromarty was by no means in the confidence of Queensberry: he had been excluded from the late Commission, though he had served on that of 1702, and had written slightly of the Commissioners.—*Cromarty Correspondence*, ii. 19-20. Queensberry's chief adviser was Stair, and Stair strongly deprecated the proposal of "some fearful friends to have some recess."—*Portland Manuscripts*, iv. 359.

² *Cromarty Correspondence*, ii. 208, 211.

which their success was due. On looking over the division lists, one sees at a glance that the majority in favour of the Union was drawn in very small proportions from the second and third of the Estates, and in overwhelming numbers from the first; and, though the national spirit of the greater nobles must necessarily have been blunted through intercourse with the English Court, this result could hardly have been obtained if the Crown had not long been at pains to strengthen and enlarge its influence amongst the peers, and if the present Government, representing that which had been in office during the whole of King William's reign, had not been able to utilise this advantage to the full. Of 46 peers—to 21 against—who voted for the first article, at least 29 were privy councillors, pensioners, officers or officials, and 6 more, in addition to 9 of the placemen, or 15 in all, had been enrolled or promoted in the peerage since the Revolution.¹ In one respect the Union inflicted greater hardship on the nobles than on any other class, since only 16, or a fifth of their number, were admitted to the Lords, and all of them in virtue of their rank were implicitly excluded from the Commons; but the peers as a body were to have the full privilege of the English peerage, including that of personal protection in cases of debt, which they had hitherto enjoyed only during the sitting of Parliament; and many of them are said to have been influenced by the hope that, like the Duke of Argyll, who had lately been created

¹ Douglas's *Peerage*, *passim*. For the peers who held commissions in the army, see Macpherson's *Original Papers*, ii. 4-8. Lord Duffus was a captain in the Navy. The Earl of Galloway, though a Commissioner of the Treasury, opposed almost all the articles but the first. The Duke of Athol and the Marquis of Annandale were the only Opposition peers whose titles had been conferred since the Revolution, but the Earl of Selkirk (created 1688) had been a zealous adherent of King William.

Earl of Greenwich, they would sooner or later obtain hereditary seats.¹

It has indeed been maintained that the Union was promoted in Parliament by inducements of a much more discreditable kind; and the allegation, however questionable in itself, has at least a basis of fact. In August, 1706, on the ground that debts and current expenses could not otherwise be met, a royal warrant was issued placing a loan of £20,000 sterling at the disposal of the Scottish Government; and this sum was actually paid in two instalments of £10,000 each, one on October 27 and the other on November 26. Of the money thus advanced, over £12,000 was absorbed by the Commissioner on account of his equipage and daily allowance, and the rest was devoted ostensibly to the payment of certain arrears of salary, which had been promised to individuals, and which the Government, in order to ensure its majority in Parliament, was anxious to discharge. Queensberry and his friends, however, knowing how such a transaction was likely to be construed, induced Godolphin to consent that the Queen's letter to the Lords of the Treasury announcing the loan should be suppressed, and that the money should be secured only on the personal acknowledgment of the Treasurer-Depute. This circumstance was naturally commented on as suspicious by a Committee of the British House of Commons appointed under Tory auspices in 1711 to enquire into the public accounts; and Lockhart, one of its members, asserts that the committee satisfied itself that certain persons were paid to whom no arrears were due, and that others, having given no receipts, succeeded, when the Equivalent was distributed, in establishing fresh claims. Lockhart's

¹ Clerk's *MSS. History*, cited by Laing, ii. 307-308.

imputation, however, is discounted to some extent by the fact that the Duke of Athol, who is said to have received £1000, opposed the Union in Parliament, and that several persons mentioned in his list of beneficiaries were not members of the House. Scottish politics were corrupt enough, as we shall see; but in this case, after all deductions are made, the sum available for direct bribery must have been exceedingly small; and it certainly would have argued an extraordinary pitch of virtue in the Scottish Ministers, if the Crown had allowed the prospects of the Union in Parliament to be prejudiced, when it could secure them by so innocent a stratagem as that of paying its debts.¹

But, however much the acceptance of the Union may have been facilitated by personal, if not by mercenary, considerations, it will probably become apparent as we proceed that the measure could never have been carried if it had not been supported on its own merits by the group of independent politicians known as the New Party or Squadrone, and if the anti-Unionist sentiment in the country had not been persistently discouraged from equally enlightened motives by the leaders of the Church. Amongst those whose interest in the Union was not mainly commercial, there were a few in whom a sentiment almost amounting to Anglomania had been evoked by the wealth and greatness of England and the victorious progress of her arms under Marlborough and Admiral Rooke; some feared the Pretender; some,

¹ Lockhart, i. 262-272; Cobbett's *Parliamentary History*, vi. 1110-1115; Somerville's *Reign of Queen Anne*, p. 222, note; Cunningham, ii. 60-61; *Marchmont Papers*, Introduction. To any one acquainted with the character of Lord Roxburgh, Lockhart's statement that that nobleman could claim no arrears and was therefore bribed to the extent of £500, must seem very absurd. That money was due to him is mentioned incidentally in the *Jerviswood Correspondence*, p. 160.

like Cromarty, exulted in the prospect of British unity and strength; and not the least influential were those who, as they had been foremost in resisting English malice, were slow to believe in English good-will, but whose zeal for the honour of their country had not blinded them to its real good, and who detested the jobbery and corruption through which the fiction of national independence had long been maintained. Undoubtedly, however, the arguments in favour of union which had most weight with the nation at large were the concession of that free commerce with England and her colonies which had been coveted and demanded in vain for nearly fifty years; the mitigation of the burdens at the cost of which this privilege was to be obtained; and the assurance of what was, comparatively speaking, a large sum of money in compensation for liability to the English debt. We have seen that only two-thirds of the burghs were represented at the Convention which resolved to petition against the Union, that the petition was carried by only four votes, and that the majority consisted of the smaller and less populous towns. The alterations of the treaty effected by the Scottish Parliament may seem to be of little note; but the trading interest had set its heart on obtaining these concessions, and the readiness of the Ministry to accept, and in some cases even to anticipate them, is said to have had a great influence in allaying the popular discontent.¹ To all who had claims on the Crown for pensions or salaries, or who depended for their livelihood on such struggling industries as Parliament since the Restoration had so often

¹ "The entering into these few amendments or explanations mightily quiets and eases the minds of the people, especially of the wiser sort." —Defoe to Harley, November 28; *Portland Manuscripts*, iv. 361. See also Boyer's *Annals*, v. 371.

endeavoured to promote, the Equivalent promised to be a great boon; and, though the African and Indian Company complained of the price as too low at which its privileges were to be purchased by the State, Burnet can hardly be wrong in assuming that many persons supported the Union in the hope of recovering with interest the money which had been invested without return for ten years, and which otherwise could never be repaid.¹

In making choice of a nobleman to preside over the Union deliberations in Parliament, Queen Anne's advisers were naturally disposed to favour one who was the head of the Scottish Whigs, who had been the first Scotsman to declare for the Revolution, whom William at a most critical time had employed as Commissioner, and whom for his services in that capacity he had rewarded with the Garter; and the Duke of Queensberry amply justified the wisdom of those who on personal as well as on political grounds had selected him to discharge what was probably the most beneficial, and was certainly the most momentous, function which a Scottish statesman had ever been called upon to perform. Queensberry, though little of a Presbyterian, was a consistent Whig, who had never been suspected of corresponding with the exiled Court; and his reputation for honour and truthfulness stood high.² Like his great contemporary, the Duke of Marlborough, profuse in his official hospitality, lavish and luxurious in his habits, he was reputed to be avaricious of power, and as eager in amassing money as he was liberal in

¹ Burnet, v. 287-301.

² Ker's *Memoirs*, p. 45. "His Grace's greatest opposers do entirely trust his veracity."—*Carstairs State Papers*, p. 688.

spending it;¹ and this fault he combined with not a little of Marlborough's serene impassiveness, deft leadership, and insinuating address. It was said of him in 1700 that he had "never injured or offended any man in his administration";² his graceful courtesy, his ease and affability of manner were universally acknowledged; and contemporary critics may have been deceived by an outward complacency and composure which were no more than a mask when they described him as apt to be influenced by those about him, as indolent and wanting in application. At all events, during the Darien crisis of 1700, his friends reported that he showed such anxiety and zeal in the King's service as to deprive him "of his very sleep";³ and the magnificent reception accorded to him in England was no more than a just tribute to the masterly manner in which, at no small personal risk, he had steered the Union through the stormy seas of parliamentary debate—to his unruffled serenity of temper under the grossest provocation and abuse, to his endeavour, wherever possible, to conciliate rather than to overcome, and to the inexhaustible patience, watchfulness, and tact with which he held together his heterogeneous party, outmanœuvred his opponents, and anticipated their designs. Queensberry's success, indeed, was due in great measure to the fact that when the Opposition batteries were thundering most loudly against him, he had generally

¹ Burnet, v. 100, with Lord Dartmouth's note. Cunningham, who himself took part in the transaction, says that Queensberry's chief reason for procuring the dismissal of the Squadrone Ministry was that they had refused to discharge at once his claim on the Treasury for £15,000, insisting that the money should be paid in the usual way by periodical instalments under several heads.—*History*, i. 415. See also *Jervise's Correspondence*, pp. 55, 82-83.

² *Carstares State Papers*, p. 515.

³ *Ibid.* p. 558. See also pp. 560, 566, 652.

contrived to extract all but the powder from their guns. He frustrated the proposed coalition of Jacobites and ultra-Presbyterians by engaging to thwart it, not only Ker of Kersland, the Cameronian leader, but even Cunningham of Eckat, the projector of the scheme;¹ he knew how to work upon the hopes and fears of Hamilton, who was sometimes closeted with him for four hours at a stretch;² and nothing can be more probable than the statement of Lockhart that he prevented the protest and secession of the anti-Unionist members by pointing out to Hamilton, who had large estates in both countries, that if the measure were executed, the English Government would lay the blame on him.³

We have seen that the Duke of Argyll had represented the Queen at the preceding session; and, though his duties in Holland, where he commanded the Scottish Brigade, may have been the ostensible reason why he was not re-appointed as Commissioner,⁴ we may be sure that there were reasons more pertinent than this. Argyll, who had served as a colonel at the precocious age of sixteen,⁵ had won distinction at Ramillies and was to win more at Oudenarde and

¹ Clerk *MSS.*, quoted by Somerville, p. 219, note. This no doubt is why Cunningham, a professed opponent of the Union, appears in Lockhart's list as having received £100. Lockhart disbelieved in his treachery, but Clerk's testimony from personal knowledge is conclusive.

² *Portland Manuscripts*, iv. 347.

³ Lockhart, i. 214. For Queensberry's character see Defoe, p. 211, Lockhart, i. 44, Boyer's *Annals*, v. 371-372, Clerk's *Memoirs*, and Macky's *Characters*. Only one of his letters during the Union deliberations in Parliament appears to have been published—*Marchmont Papers*, iii. 438; and, so far as I have been able to ascertain, there are none in the British Museum. After the Union he was created Duke of Dover in the British peerage, and received a pension of £3000.

⁴ Luttrell's *Brief Relation*, vi. 43; *The Scots Brigade in Holland*, ii. 6.

⁵ Crawford's *Peerage*, p. 22.

Malplaquet,¹ possessed, indeed, other qualifications for the post than those of a strong will and invincible courage. He was accused of avarice, being economical, if not parsimonious, in his habits,² and his subsequent career in the British Parliament was extremely erratic; but, as described by a politician so much opposed to him as Lockhart, who, however, was his personal friend, though brilliant rather than solid, passionate and headstrong, he was "a very well accomplished gentleman" whose word was his bond, incapable of servility or dissimulation, and of a "cheerful, lively temper."³ On one occasion he quieted and partially converted a mob of anti-Unionists who had beset the Parliament House, and who, on his appearance at the door, had exclaimed that they knew him only as Earl of Greenwich;⁴ and it is not surprising that the populace of Edinburgh should have been thus influenced by a man whose graces of speech, of voice, of person, and of manner were to win for him in after days the unstinted applause of one of the most fastidious of critics. "The late Duke of Argyle," wrote Lord Chesterfield, "though the weakest reasoner, was the most pleasing speaker I ever heard in my life. He charmed, he warmed, he forcibly ravished the audience; not by his matter certainly, but by his manner of delivering it. A most genteel figure, a graceful noble air, an harmonious voice, an elegance of style and a strength of emphasis, con-

¹ In this desperate battle, in which he led the British attack, his "coat is said to have been cut and shot through in many places."—Cunningham, ii. 261. Among the killed was the Marquis of Tullibardine who had succeeded him in command of the Scottish Brigade.

² Campbell's *Life of Argyll*, 1745, pp. 347-348

³ Lockhart, i. 110.

⁴ Boyer's *Annals*, v. 380.

spired to make him the most affecting, persuasive, and applauded speaker I ever saw."¹

Argyll's fine gifts were, however, marred by defects of judgment and temper which may in some measure be ascribed to his youth,² but which, for the most part, he never overcame; and his conduct at this crisis showed plainly what the fate of the Union would have been, had its management been entrusted to him. Regardless of the public interest, he never disguised his antipathy to the Squadrone;³ he insisted that the treaty must be carried as it stood, protesting "both in public and private against all manner of alterations whatsoever"; and when the Government, owing to the defection of some of the Queen's servants, was defeated in its resistance to the proposal that a drawback should be allowed on the exportation of beef and pork, he demanded the dismissal of the mutineers, and urged that their places should be immediately filled. "My Lord," he wrote to Somers, "I am preaching this doctrine here every day, but there is too little firmness among us to make it relish."⁴ In spite of the remonstrances of Queensberry he insisted on fighting a duel with the Earl of Crawford, one of his own party; and in Parliament, on another occasion, he engaged in a violent altercation with the Duke of Athol, in which both noblemen lost all sense of decorum, "giving and returning the lie in the open assembly."⁵

¹ *Letters to his Son*, December 5, 1749. Wodrow in 1725 wrote: "I am told the Duke of Argyle is reckoned one of the best speakers in the House of Lords."—*Analecta*, iii. 227. See also ii. 318.

² See p. 105.

³ *Jerviswood Correspondence*, p. 187, and *passim*.

⁴ *Hardwicke State Papers*, ii. 465-466. See also *Marchmont Papers*, iii. 433.

⁵ *Portland Manuscripts*, iv. 371, 380.

If Queensberry, Argyll, and Seafield, whose character will shortly be discussed, were the chief official supporters of the Union, there was a private member whose interest in the measure, and whose ability to promote it, were believed to be even greater than theirs. Sir John Dalrymple, first Earl of Stair, was the most unpopular statesman of the day; and the feeling against him was of older origin, and must be ascribed to causes more widely operative, than his responsibility for the massacre of Glencoe, which, however, was such a blot on his reputation that, though he succeeded his father as Viscount three and a half years later, in November, 1695, he did not propose to take his seat in Parliament till 1698, and, having been dissuaded from that attempt, did not actually take it till February, 1700. The Jacobites remembered that he had accepted office under James VII., and had encouraged him in his use of the dispensing power, in order, as they believed, to bring him to ruin; the Presbyterians, whose triumph he had moderated at the Revolution, complained of his lack of zeal; and nationalists of all sections denounced him as favourable to English influence in Scotland, and as insensible, if not hostile, to the national honour. In 1701 he was taken to task for having said in the House that an Act of the Scottish Parliament "was but a decreet of the Baron Court," and, though excused on his plea that the representation in Scotland was feudal, he was "desired not to use such an expression again";¹ and, after the Act of Security in 1703 had been adopted in defiance of the Crown, he was charged with having proposed that Scotland should be occupied with English troops, and that the Estates should not be

¹ Hume's *Diary*, pp. 51-52.

allowed to meet during the remainder of the Queen's reign.¹

If such were his real sentiments, no man was better fitted to give effect to them than Stair. In an assembly so embarrassed with eloquence as the last Scottish Parliament, he was accounted the most powerful, copious, spirited, and incisive speaker; Defoe calls him "the greatest man of counsel in the kingdom of Scotland"; and Lockhart, whilst vilifying him as "the Judas of his country," allows him to have been "a man of very great parts," excelling in imagination, in quickness of apprehension and solidity of judgment, good-natured, and "extremely facetious and diverting" in private life.² His opinion carried the greatest weight both with Queensberry at Edinburgh and at the English Court; but, though on the accession of Queen Anne he received an earldom and a seat in the Privy Council, no office or pension was ever bestowed upon him; and, considering the state of political morality at that time in Scotland, it must be reckoned an extraordinary proof of Lord Stair's consistency and public spirit, that, during the fifteen years of effacement which followed his enforced resignation of the Secretaryship in 1692, he never tampered with Jacobite intrigues and never stooped to factious opposition. During the late stormy session, defying the danger of assassination in which he fully believed,³ and insisting that Parliament must not be adjourned, he laboured as "a volunteer" in the cause of the Union with an earnestness and a solicitude which "allowed him no time to take care of his health";⁴ and to such strenuous exertions he succumbed within sight, or rather within reach, of the

¹ Lockhart, i. 88.

² Lockhart, i. 88-89.

³ *Portland Manuscripts*, iv. 359.

⁴ *Marchmont Papers*, iii. 447.

goal. On January 7, in the debate on the 22nd article which fixed the representation of Scotland in the British Parliament, he excelled and over-taxed himself in what Cunningham calls "a very distinguished," and Defoe "an extraordinary speech." Returning home exhausted, he wrote a letter to Harley, informing him that the article had been passed, and that the whole treaty would probably be finished next week;¹ and early on the following morning he was struck with apoplexy, and was found dead in his bed.²

It is a remarkable testimony to the intense nationalism of the Scots, that this sentiment should not only have sustained them in the unequal struggle with England for two centuries and a half, but should have either inspired, or in the long run absorbed, almost every great movement, secular or religious, which agitated the country from the conclusion of that struggle to the accomplishment of the Union in 1707. The only exception would seem to be the demand for spiritual independence initiated almost unconsciously by Knox, and pursued as an end in itself by a minority of the ministers under the leadership of Andrew Melville. This demand had been silenced, if not extinguished, by James VI. before his accession to the English throne; and, in whatever degree it may have survived to give an impetus to the militant Puritanism of the seventeenth century, it was quickened and finally overpowered by the dominant spirit. When we examine the religious agitation which continued from the Service-Book riots

¹ See this letter in *Portland Manuscripts*, iv. 379. It concludes, "I wish you many happy new years."

² *Portland Manuscripts*, iv. 380. Mr. Henderson does ample justice to Lord Stair in the *Dictionary of National Biography*.

in 1637 to the Revolution, we find that it originated in the attempt to introduce into Scotland the Anglican forms of Church government and worship, that it languished with the endeavour of the ministers to improve the victory, won for them by the nation, at the expense of the State, and that it faded into insignificance as soon as ecclesiastical differences were found to obstruct the national resistance to Cromwell at Dunbar, Inverkeithing, and Worcester. The real power of Scottish nationality, however, is seen most conspicuously in the apparent paradox that a sentiment, which had proved its efficacy as a motive of separation, was to be equally efficacious as an incentive to union. As in the days of the Reformation an alliance with France intended to resist English aggression had developed, through French misrule, into a permanent reconciliation with England, so in the beginning of the eighteenth century the attempt to emancipate Scottish commerce from the restraints imposed upon it by the English navigation laws had caused a breach between the two nations, which nothing short of a legislative union could be expected to heal; and what Catholicism had done to compel agreement in the former case, Jacobitism did now.

The chief obstacle, therefore, to union consisted in this, that the nationality of Scotland, at all events in its traditional form, was to be surrendered as the result of that very chain of causes which had developed it to even more than its normal strength; and another obstacle, hardly less serious, may be found in the fact that the Scottish Parliament was to be abolished just when it had entered on a new era of greater freedom and vigour. The Parliament of Scotland, owing probably to its feudal character, had never been an

instrument of consitutional progress; but, after the Revolution, it had shaken off the Committee of the Articles, which from 1467, with the exception of eleven years under the Covenant, 1640-1651, had completely engrossed its legislative power;¹ and the stormy debates provoked by the Darien project and the project of union prove it to have become no imperfect representation of the national life. The new constitution, however, was subject to abuses, different in kind, but hardly less serious than those which had vitiated the old. Owing to a lack of all authoritative precedent, the methods of procedure were extremely irregular and confused. A measure might be introduced entire, like the Treaty of Union, and voted in detail, or, like the Act of Security, it might be built up, clause by clause, on a general resolution of a dozen words; as the House had no leader, and the Government no collective responsibility, a motion was frequently submitted in several alternative forms, known as "states of a vote," to decide between which a preliminary division was required;² and debates conducted in this manner might often be summed up in the words of a contemporary diarist: "The day was spent in jangling, and nothing done."³

Such defects, the fruits of immaturity, might in time have suggested their own cure; but there was another evil, far more serious, which was almost

¹The Committee originated in 1367, but its appearance during the next century is intermittent. See Rait's *Scottish Parliament*, pp. 31, 40, 47, 49-50.

²"They plead it as a privilege of the members to give in a state of a question, and demand a vote upon it; and if it did not please, any other might give another state, and vote which should be the question."—*Carstairs State Papers*, p. 691.

³Hume's *Diary*, p. 194.

certain to continue so long as a Parliament at Edinburgh had to be harmonised with a Government which took its orders from London. It was through the Committee of the Articles, the election of which was practically in its hands, that the Crown had been accustomed to control the House, and the abolition of that Committee caused a constitutional deadlock precisely similar to that which was to be produced in Ireland in 1782 by the repeal of the law which gave to the English Government the initiative in legislation. In order to secure a working agreement between an executive and a legislature which were always independent and frequently antagonistic, Pitt, who never bribed in England, was forced to bribe largely in Ireland; and Scottish statesmen, confronted with the same difficulty, had recourse almost inevitably to the same, or a very similar, device. We have seen that Queensberry in the year 1700 suggested that £1000 for purposes of secret service should be placed to his credit at the Bank of England, and stated that he had already disposed in this way of £500; and whoever has studied the *Carstairs State Papers* must be aware, from many scattered notices, how widely a system, if not of direct bribery, at all events of corrupt influence prevailed. Lord Napier, on the principle that "young people of quality should be encouraged" asks that his son, like himself, should have a pension, or, at all events, the office of Master of the Works; Annandale demands a marquisate, and is gratified meanwhile with an addition to his pension, which, in the opinion of Queensberry, will "not make the King one whit surer of him than he was without it"; the Countess Marischal will answer for the fidelity of her husband at the considerable

price of £300 sterling, and succeeds in extorting £500; the Mastership of Works, coveted by Lord Napier for his son, may be used to "take off" Sir Francis Scott; the Earl of Mar, because his "genius lies that way," wants a seat on the bench, and the pension, which doubtless the King had intended to give him, will be available to "take off" an avowed opponent; the Duke of Argyll, father of the Unionist, and a most persistent solicitor for his kinsmen, complains that several rogues have pensions, whilst his two brothers have none; and he offers to send a schedule of places and pensions by which thirty members of Parliament may be detached from the Opposition. "In short," writes Queensberry, in 1700, after reviewing the condition of the political market, "if money could be had, I would not doubt of success in the King's business here."¹

Money that could be used to purchase votes was little more plentiful in 1706 than in 1700, and we have seen that the traffic which promoted the Union was mainly of the usual and less disreputable type. It should be noted, indeed, that an anti-Unionist pamphleteer hesitates to endorse the statement that over 80 members were influenced by what they held of the Government or by what they expected to get;² but the motives of many of the nobles who supported the treaty may fairly be inferred from their conduct after it had passed. "The great men," wrote Defoe to Harley in April, 1707, "are posting to London for places and honours, every man full of his own merit, and afraid of every one near him. I never saw so much trick, sham, pride, jealousy, and cutting of

¹ *Carstairs State Papers*, pp. 466, 523, 538, 564, 585, 599, 619, 704.

² *Some Queries, etc., relative to the Union*.

friends' throats as there is among the noble men."¹ In such ignoble rivalry a great national tradition, confined within provincial limits, was fretting itself to death; and, with such a picture before us, we can heartily sympathise with those whose chief argument for the Union was that it would put an end to this unhealthy competition, and leave Scotsmen at liberty "to live at peace and ease, and mind their affairs and the improvement of their country—a much better employment than the politics."²

The partiality, and even corruption, which we meet with occasionally in the law-courts must be ascribed to other causes than the independence of legislature and executive; but, so long as that system continued, and the judges were not excluded from Parliament, little integrity could be expected either on the bench or at the bar. From an Act passed in 1693 it appears that the judge whose turn it was to sit as Lord Ordinary sometimes returned to his colleagues in the Inner-House, and sometimes remained with them, in order to influence the judgment of the court; and, as Cromarty, when Lord Clerk-Register, had not scrupled to tamper with the minutes of Parliament, it can excite no surprise that decisions pronounced by the judges were frequently altered by the clerk. In 1693 the Solicitor-General, Sir William Lockhart, after

¹ *Portland Manuscripts*, iv. 398.

² Mar to Cromarty, June 25, 1706: *Cromarty Correspondence*, ii. 20, Mar himself was a mere placeman, and the sentiment he expresses was that of much better men. Corruption, of course, flourished in the English, and still more, under the auspices of Walpole and of Bute, in the British Parliament. But corruption did come to an end at Westminster when, through the growth of Cabinet government, the executive and the legislature had been brought into accord; and such a result could hardly have been obtained either in Scotland or in Ireland by any other means than a legislative union.

taking 17 guineas from Lord Fraser to prosecute one of the witnesses against him, accepted 10 guineas from this witness to let him alone; and it was alleged in 1700 that whenever a Jacobite was to be accused of treason, the "whole party" subscribed to buy off the prosecuting counsel.¹

The average Scottish politician, who looked for advancement to such a patron as Queensberry, usually made shipwreck of his fortunes when he attempted, as he often did, to attach himself to more parties than one; and nothing is more remarkable in the career of Lord Seafield than the invariable success with which he contrived, in popular parlance, to run with the hare and hunt with the hounds. Contemporaries describe him as "not sincere," as "a man of all parties," as "a blank sheet of paper which the Court might fill up with what they pleased";² and these appreciations are amply corroborated by the tenor of his public life. The second son of the Earl of Findlater, an impoverished nobleman, he was educated for the bar, and at an early age combined politics with law. As a member of the Convention Parliament in 1689, he made a speech, which attracted much notice, in favour of King James, and he was one of five members who dissented from the Act by which that sovereign was deposed.³ Having conformed to the Revolution, he soon acquired a large practice as an advocate; became Solicitor-General on the dismissal of Sir William Lockhart in 1693, and, three years later, Secretary of State; was Commissioner to the General Assembly in 1700; and, having been created

¹ *Act. Parl.* ix. 283; *Carstairs State Papers*, pp. 173, 184, 527.

² See Macky, Cunningham, and Lockhart.

³ Crawford's *Officers of State*, p. 247.

Viscount Seafield in 1698, exchanged that dignity for an earldom in 1701. Soon after the accession of Queen Anne he succeeded Marchmont as Chancellor; and from this point his suppleness and adaptability were signally displayed. He warmly seconded Queensberry in his overtures to the Cavaliers; united with the latter against his chief as soon as he found that they had a majority in Parliament; and on the formation of the Tweeddale or Squadron Administration, having deserted the Cavaliers, as he had formerly deserted the Whigs, was associated with Roxburgh as Secretary of State. When the new Ministry became discredited at Court owing to its failure to establish the Hanoverian succession, Seafield hastened as usual to prostrate himself before the rising sun; and, having been re-appointed Chancellor in place of Tweeddale, he deserted in this capacity to Queensberry and the English Whigs, leaving Roxburgh and Baillie to denounce him as "certainly the greatest villain in the world."¹ In addition to great knowledge of law and of parliamentary tactics, Seafield had many external attractions, being "very beautiful in his person, with a graceful behaviour, a smiling countenance, and a soft tongue";² and the prominence as well as fixity of his position amidst the flux and change of political administrations will not appear strange, when we consider that every party, so long as it was prosperous, could count on his fidelity and zeal, and that he was so complete a courtier as to be perfectly indifferent to popular censure and applause. In the late reign his antipathy to the Darien scheme had been strong and undisguised;³ in 1705, regardless of the furious

¹ *Jerviswood Correspondence*, pp. 42, 81. ² *Macky's Characters*, p. 182.

³ *Marchmont Papers*, iii., 184; *Carstairs State Papers*, p. 624.

mob "armed with great sticks" which was to attack him in his coach as he drove home, he did his utmost in the Privy Council to procure a further reprieve for Captain Green;¹ during the Union deliberations in Parliament, though as Lord Chancellor he had no more than a casting vote, he requested as a favour that his name should be printed as a Unionist in all the division lists;² and every reader of Scottish history is familiar with his cynical exclamation on signing the Act which extinguished the national legislature—"There's an end of an old song."³

The fact that Seafield was both employed and trusted by all parties is a tribute to his ability which may serve to distinguish him from another politician, equally pliable, who, though employed by all parties, was trusted by none. The public career of the Earl of Cromarty, formerly Lord Tarbat, extends from the days of Cromwell to the accession of George I., a period of over sixty years. "Never," writes Lockhart, "was there a more fickle, unsteady man in the world: he had sworn all the contradictory oaths, complied with all the opposite Governments that had been on foot since the year 1648, and was an humble servant to them all, till he got what he aimed at, though often he did not know what that was."⁴ According to Cunningham he was "looked upon as a state mountebank";⁵ and a Jacobite agent in 1706 knew not how to classify him—he had "changed so often and trimmed so much."⁶ In the present reign, after sup-

¹ *Jerviswood Correspondence*, p. 75; *Parl. Hist.*, x. 285.

² Defoe, p. 334.

³ Lockhart, i. 223. According to Cunningham, these words were used when the Scottish Privy Council was abolished in 1708.

⁴ *Ibid.* p. 74.

⁵ Cunningham, i. 326.

⁶ Macpherson's *Original Papers*, ii. 18.

porting the Cavaliers against Queensberry, he had combined with the Tweeddale administration to establish the Hanoverian succession; and the office of Justice-General, bestowed upon him under that Ministry, he retained for five years, doubtless because, amidst all his inconsistencies, he was a strenuous advocate of the Union, and had written a pamphlet in its support as early as 1702. He was a man of real culture, liberal and enlightened in his religious views, a member of the Royal Society, and endowed with "an extraordinary gift of pleasing and diverting conversation," which made him "the pleasantest companion in the world."¹

It was unfortunate for the permanence of the administrative system, the nature and leading agents of which have now been described, that, only five years after the Crown had lost its control over Parliament through the abolition of the Committee of the Articles, a question should have arisen which revealed the latent antagonism between the executive and the legislature, and in regard to which the whole machinery of Ministerial influence had to be employed, if not to stifle the latter, at all events to keep its hostility within bounds. The natural result of King William's attempt, at English dictation, to discourage the African Company at home and to thwart it abroad was the rise of a Country Party in opposition to the partisans of the Court; and it may be noticed in passing that in a pamphlet published as early as 1700 the demand is put forward that all placemen and pensioners should be declared incapable of voting in Parliament on the ground that "such persons are supposed to move according to the inclination of the King."² The object

¹ Lockhart and Macky.

² *Some thoughts concerning the Affairs of this Session in Parliament*, p. 28.

of the Country Party was to uphold the settlement at Darien, and, when that enterprise had finally miscarried, to provide against a similar disaster in future by devising such constitutional restrictions as should make the sovereign of Great Britain, in so far as he was a Scottish king, responsible to Scotland alone. The party, however, soon lost its original character after it had absorbed the large Jacobite element which had been brought into Parliament to oppose it in 1703; and henceforward it tended to split into two sections, one, and much the larger, of which aimed all but avowedly at separation, whilst the other, which had once been almost the whole, after an unsuccessful attempt to establish the principle of limitations at the cost of the Hanoverian successor, proposed to solve the problem of the dual monarchy by fusing the two kingdoms into one.

The idea that national autonomy could be secured by an amendment of the constitution found its most enthusiastic exponent in Andrew Fletcher of Saltoun, who, indeed, went much further in this direction than most of his party were disposed to go. Fletcher, whose political opinions were of the antique republican type, distrusted all kings, but especially a king who ruled Scotland under English supervision; and he insisted that the "extreme poverty, distress, and misery" of his countrymen were the result of a bad system of government which had "no other root but our dependence upon the court of England," and that these evils would speedily disappear if only the sovereign, in every branch of his prerogative, should be subordinated to the Estates.¹ We have seen that Fletcher failed in 1703 to procure the insertion of his twelve limitations

¹ *Works*, edition 1749, pp. 213-214.

in the Act of Security, though one of them—the restriction of the royal power as to peace and war—was embodied in a separate Act; but in 1705, though there was no prospect of such a measure receiving the royal assent, it was resolved that the Estates, and not, as had been proposed, the sovereign with their advice, should appoint the Ministers of the Crown. Fletcher's revolutionary proposals, had they been adopted in their entirety, would have been a very doubtful boon. To purify, and so to render unworkable, the present administrative system, even if it did not lead to separation and war, would do nothing for the material progress of the country, so long as England blocked the way to that wider field of enterprise which was so urgently needed in politics, society, and commerce; a policy of seclusion would indeed have aggravated the evils of aristocratic and ecclesiastical power; and the historical episode which had given currency to the idea that Scotland, to be prosperous, required only to be left to itself, had been, as was inevitable, misunderstood; for we have seen that, in so far as England was responsible for the Darien disaster, it was not by concurrent interference, but by provoking the Scots to undertake, unaided, an enterprise which was beyond their strength. Fletcher was driven to strange shifts to combat what was both the best plea for the Union and the most obvious objection to his scheme; and Argyll was thinking of a debate in which Fletcher and others had “argued with all the fury in the world” that the English and colonial trade would be actually disadvantageous to Scotland, when he wrote to Godolphin: “Your lordship may judge by this matter of fact in what manner gentlemen take leave to proceed in this parliament, and how hard it would be to

persuade a great many of the members that light and darkness are not the same."¹

The character of the laird of Saltoun had much in common with that of the Presbyterian divine who more than a century earlier had tormented James VI. with his theory of the two kingdoms; for, though they differed widely in their religious views, the dogmatic vehemence of Andrew Melville as an ecclesiastic was repeated with little diminution in Andrew Fletcher as a politician. Lockhart, his warm admirer, admits that he was a rigid theorist, incapable of the slightest concession, and so "extremely wedded to his own opinions" that he could not suffer any but his most intimate friends to argue against him;² and Swift was probably less unjust than he was wont to be in his judgment of a Scotsman, when he pronounced him "a most arrogant and conceited pedant." His temper was harsh, irritable and violent, agreeing very well with what we know of his personal appearance: "A low, thin man, brown complexion, full of fire, with a stern, sour look."³ In 1685, as the result of a trifling dispute about the ownership of a horse, he had no sooner landed in England with the Duke of Monmouth than he shot one of his brother officers through the head; on one occasion during King William's reign he assaulted Sir John Dalrymple in the Parliament House;⁴ and during the session of 1705 his quarrelsome disposition involved him in several unseemly brawls. To these moral defects he added an intellectual deficiency which must

¹ *Marchmont Papers*, iii. 433; *Portland Manuscripts*, iv. 356. Fletcher had used the same argument in 1703, when there was no prospect of an incorporating union. See his "Conversation concerning a Right Regulation of Governments."—*Works*, p. 287.

² Lockhart, i. 75.

³ Macky, p. 223.

⁴ Lord Buchan's *Essay on Fletcher*, p. 59.

have placed him at a serious disadvantage in contending with such keen and expert debaters as Argyll, Roxburgh, and Stair. His printed speeches, all of which were delivered in 1703, are remarkable, and were probably unique, for simplicity and purity of diction, clearness of reasoning, and idiomatic vigour; but they were literary rather than oratorical efforts. Sir John Clerk said of him that he "was not very dexterous in making extemporary replies";¹ and this was fully admitted by Fletcher himself, who owned, in conversation with Wodrow, that he used to write out beforehand whatever he proposed to say in Parliament, that he was "at an incredible fatigue" in getting the words by heart, and that, being uncertain what matter might come up for discussion, "he was obliged sometimes to have six or ten speeches in readiness at once."² Fletcher, it need hardly be said, had many better, if also some worse, qualities than glibness of tongue. He was a man of high principle and stainless honour, whose mind had been enriched by study and travel; and it is due as much to his striking personality as to the brilliance of his speeches and essays that he has made a deeper impression on the memory of his countrymen than any other Scotsman of his day. Intensely, if not always intelligently, patriotic, superior to party interests, to dynastic and religious distinctions, he moved amongst his contemporaries as one who was with them, but not of them; and in his haughty and high-spirited isolation he deserved the fine compliment, that he "would lose his life readily to serve his country, and would not do a base thing to save it."³

Lord Belhaven far outshone Fletcher as a popular orator; but his reputation, despite the fervour and

¹ *Memoirs*, p. 49.

² *Analecta*, ii. 46.

³ Macky, p. 222.

rugged eloquence of his printed speeches, did not stand high. Indeed, though such a charge is hardly borne out by what we know of his public career, he was regarded as little better than a disappointed place-hunter. The Cavaliers were disgusted with him, rather unreasonably, when he accepted office with the rest of the original Country Party in 1705; his colleagues in a declining administration suspected him of intriguing both with Hamilton and with the Court; and his extravagant harangues against the Union, whilst they circulated widely out of doors, did little to restore his credit with the Jacobites, and were derided by more temperate speakers as fit only for the consumption of the mob. The truth perhaps was that Belhaven was too much of a Nationalist to please the Squadrone, and too much of a Hanoverian to please the Cavaliers.¹

The character of the Duke of Hamilton, who had organised the Country Party and who continued to lead it after it had become almost wholly Jacobite, was as strange a mixture, or rather as strange a combination, as can well be conceived. He seemed to have inherited two contradictory dispositions which ruled him by turns—a large share of spirit and resolution from his father, son of the Marquis of Douglas and third Duke of Hamilton in right of his wife—a self-seeking, but a frank, boisterous, and forward man,² whom he resembled in his egotism and “rough air of

¹ As he appeared to Macky, a most unfriendly critic, Belhaven was “a rough, fat, black, noisy man, more like a butcher than a lord,” p. 236; but Boyer's description is much more favourable: “Of a good stature, well set, of a healthy constitution, graceful and manly presence.”—Quoted in Douglas's *Peerage* (Wood), i. 205.

² “Whether he be right or wrong, one knows always what he is; for he is square and plain.”—*Carstairs State Papers*, p. 177. He had a “rough way” of speaking.—*Analecta*.

boldness,"¹ and an equal share of caution and indecision from his maternal grandfather, the first Duke and Minister of Charles I., the most inexplicable member of a dark and mysterious house. He had abundance of physical courage—a quality common to Hamiltons and Douglasses alike; and his normal attitude was one of reckless daring, tempered by fits of moral timidity which delighted his opponents and confounded the confidence of his friends. In the debate of January, 1701, on the question whether the resolutions which had been passed in support of the African Company should be embodied in an Act of Parliament or in an address to the King, he protested with great vehemence that "if he was to speak before the tribunal of Jesus Christ" he should declare an Act to be absolutely necessary;² in opposing the first article of the Union he "outdid himself" in indignant remonstrance; and he was more clamorous, if less eloquent, in resisting a vote on the second. At the call to action, however, all this fire and energy seemed to evaporate in the process of transition from words into deeds. Early in 1705, when their influence was declining at Court, the Squadrone Ministry tried to win him over, but to no purpose—"Hamilton," wrote Roxburgh, "is incomprehensible; he tampers on, but never concludes."³ Later in the same year, his friends complained to Colonel Hooke, the emissary of the Pretender, that he had thwarted and delayed the formation of a Jacobite league. Hamilton himself granted an audience to Hooke—the first of three—which lasted from ten at night till six in the morning; but, in order to be able to say that he had not seen him, he received and

¹ Macky, p. 178.

² *Carstares State Papers*, p. 688.

³ *Jerviswood Correspondence*, p. 49.

conversed with him in complete darkness; and, when daylight surprised him in the full torrent of voluble and excited speech, he continued the conversation behind the curtains of his bed.¹ We have seen what changeableness and irresolution he displayed during the Union deliberations in Parliament—how he seemed to favour a rising and then gave orders to stop it; how he frustrated the address to the Queen by stipulating that it should contain a clause in favour of the Hanoverian succession; how he pleaded toothache, and finally refused to lead them, when the Nationalists, at his own suggestion, were to secede from the House. We have seen also that he had nocturnal interviews with Queensberry as well as with Colonel Hooke; and his conduct accorded so well with that of his grandfather as to suggest almost inevitably that “he played the second part of the same tune”;² for he had the same large estates in England, the rental of which he valued at £14,000 sterling,³ the same claim to the duchy of Chatelherault in France, and the same pretensions to the Scottish crown.⁴

The most energetic section of the anti-Unionist party consisted of avowed Jacobites, such as Lockhart of Carnwath and the Earl of Errol; but the vigour of such men was entirely neutralised by the indecision of

¹ *Hooke's Correspondence*, i. 373, 377, 383, 391, 392. “Il avoit parloit presque toute la nuit avec grande vehemence.” Elsewhere in the same letter we read: “Il parle avec beaucoup de feu et de rapidité”: “Il fut dans des transports de colere terribles.”

² Lockhart, i. 213.

³ Hooke, i. 389.

⁴ Cunningham (i. 322) describes Hamilton as “entangled with innumerable debts and suits,” and Clerk (p. 57) as “so unlucky in his private circumstances that he would have complied with anything on a suitable encouragement.” It is difficult, at all events for a student of Scottish history, to recognise the Hamilton of *Esmond*.

Hamilton and the jealousy which prevailed between him and his rivals the Duke of Athol and the Marquis of Annandale. Athol was a man of most violent temper—so violent that, when speaking in public, he was said to choke himself with passion¹—who had quarrelled with King William's Government because the candidate he favoured was not made President of the Session, and who had never forgiven Queensberry for having accused him in connexion with the "Scots Plot." Annandale, if it be true that "those of the Revolution party only employed him, as the Indians worship the Devil, out of fear,"² can hardly have been more amiable; and he certainly laboured under the imputation of being thoroughly insincere. The first Duke of Argyll said of him in 1697 that it was his nature "to breed discord"; Queensberry wrote in 1700, "No ties can bind him"; and Roxburgh in 1705, "There is nothing Annandale can do that can surprise me."³

It has been mentioned that the Country Party—to use that term in its widest sense—broke up into Nationalists and Unionists; and, having glanced at the first of these sub-divisions, let us now look at the second. The personal history of such prominent men as Hamilton, Belhaven, and Fletcher has so accustomed us to the idea of a continuous national tradition identified with the interests of the Darien settlement and culminating in opposition to the Union that we are apt

¹ Macky, p. 184.

² Lockhart, i. 138. See p. 105.

³ *Carstairs State Papers*, pp. 317, 564; *Jerviswood Correspondence*, p. 95. Both Annandale and Athol were strong Presbyterians; and the former, true to the Hanoverian principles he had professed in 1705, voted for the second article of the Union, "which was a surprise to the whole House." —*Marchmont Papers*, iii. 430.

to forget that these cases were exceptions to the rule, that Darienist and Unionist were, on the whole, convertible terms, and that the Squadrone Volante, far from being an erratic segment of the Country Party, as the name implies, was so much the main body that it might fairly claim to be the Country Party itself. We have seen that the parliamentary supporters of the African Company were organised on a Presbyterian, and even on a "Williamite," basis;¹ and the epithet bestowed on these men, or on their representatives in the more complex conditions of the new reign, was really a compliment to their consistency in adhering to a position, at once Nationalist and Whig, which precluded them from making any permanent alliance either with the Cavaliers or with the Court. They had, however, committed themselves to the principle embodied in the Act of Security that a solution of the international problem was to be sought in independence rather than in union; and the attitude which they finally adopted on this question did in fact involve a change of front. But the change was sincere. The *Jerviswood Correspondence*, printed in 1842 for the Bannatyne Club, makes it abundantly plain that they came honestly and even reluctantly to the conclusion that nothing but an entire union with England could save Scotland from the Pretender, improve its trade, and put an end to feudal dissensions, intolerable poverty, and chronic misrule. It is true that on February 28, 1706, the day after that on which the Scottish commission for the Union was issued, Montrose was made President of the Council,² and it is also true that Tweeddale, Montrose

¹ See p. 71.

² Montrose was a somewhat unstable member of the Squadrone. See *Jerviswood Correspondence*, pp. 39, 66, 97, 105.

and Roxburgh received payment of their arrears; but the New Party had injuries to complain of, which such favours, unsupported by conviction, would not have been able to outweigh. In 1704 they had undertaken to promote the Hanoverian succession on condition that the Act of Security became law; after they had failed in that attempt, chiefly owing to the intrigues of Queensberry, they were dismissed from power; and their natural reluctance to support the policy of those who had supplanted them in office must have been strengthened by the knowledge that, unless they joined the Opposition, they would inevitably be denounced as political renegades who had sacrificed their principles and sold themselves to the Court. Marchmont, in a letter to Lord Somers, remarked how general had been the fear that the Squadrone would yield to such temptations as these; but "God be thanked," he added, "they have not done so, for which all who wish well to our Queen and to Britain owe them thanks, kindness and esteem, for they have carried themselves, and concurred, as became persons of honour, understanding, and lovers of their country, without the least appearance of resentment toward those who are now employed."¹

The disinterestedness of the Squadrone may perhaps be inferred from the fact that one of its most prominent members was George Baillie of Jerviswood, whose integrity, piety, and sterling goodness of heart have been so lovingly commemorated by his daughter, Lady Murray of Stanhope;² but readers of this little memoir would do well to bear in mind that Baillie was not quite so estimable a person in public, as he seems to

¹ Marchmont Papers, iii. 309. See also Burnet, v. 287.

² *Memoirs of George Baillie of Jerviswood and of Lady Grisell Baillie*, by their daughter Lady Murray of Stanhope, 1832.

have been in private, life. A keen and experienced politician, who could never have been a statesman, he was a guide in points of practical difficulty rather than a source of inspiration to his friends; and whoever has looked through his confidential letters will be surprised to find how little superior he was to the factious spirit of the day. It is characteristic of him that his chief objection to the Union was—there being no appeal but to the House of Lords—that it would “render the Session disposers of our estates at pleasure.” The refusal of the Privy Council to accept a letter from Argyll to the Chancellor as sufficient authority for reprieving Captain Green suggested to him that the New Party might “set up” on this “as the most popular thing that could have occurred”; he thought that he and his colleagues might have remained longer in office, had they made themselves “more uneasy” to the Court; and, when Annandale quarrelled with the Old Party towards the end of 1705, he strove to confirm him in opposition by urging him “to demand Seafeld’s place or some other extravagant thing.”¹

Whilst the ornamental Tweeddale and the plodding Baillie divided between them the honour and the drudgery of leading the Squadrone, the true main-spring of its energies—at all events, when he chose to exert himself—was the Earl of Roxburgh. Roxburgh was so good an orator that he “charmed even those ’gainst whom he spoke”; he had a wide acquaintance with ancient and modern languages, and, like Fletcher, wrote fluently in Italian; his political correspondence is enlivened with constant flashes of vivacity and wit; Sir David Dalrymple emphasises

¹ *Jerviswood Correspondence*, pp. 58, 66, 140, 144.

"the elegance of his manners, his fine parts, greatness of soul"; and Lockhart, in a burst of reluctant admiration, describes him as "a man of good sense, improven by so much reading and learning, that perhaps he was the best accomplished young man of quality in Europe."¹ Indolence, or disinclination to continuous and detailed exertion, was probably his chief fault. "Writing is almost as bad to me now," he once said, "as taking a bolus"; but this defect, which is said to have grown upon him in the uncongenial atmosphere of the British House of Lords,² appears to have originated in feelings which do him no discredit. His spirit was too high, his intellect too large, to permit him to become an item, however important, in the party machine; and his nature revolted against the paltry intrigues in which he was forced to take part. On one occasion, when he had been asked to bestir himself about the disposal of a place in the Session, he wrote: "I am plagued to death with this call, and if ever I meddle in another, plant whom they will, I am much mistaken"; and Baillie, whose interest in such matters seems to have exhausted his patience, must have been somewhat disconcerted on reading such a frank avowal as this: "I don't know but it may one day be necessary both for Scotland and Tweeddale that Roxburgh and Baillie be of different parties, tho' such *coups* are not desirable." When a question of real importance was to be decided, Roxburgh never failed to take the lead. He it was—as early as November 1705—who impressed upon his colleagues the claims of the great measure which they and he had hitherto opposed, telling Baillie

¹ Lockhart, i. 14, 95; Macky, p. 191.

² *Analecta*, ii. 318; iii. 145, 439.

that he "was never in so great anxiety as now, his thoughts having been entirely taken up these eight and forty hours about an Union"; and in the following session, when taxed by Hamilton with inconsistency, he said—to quote the bald summary of his words which is all that we possess¹—"that formerly he thought the English were against the interest of Scotland, but now he was convinced of the contrary, particularly by their late proceedings in relation to the Union, so that none could blame him for having a good opinion of the English."²

And now, as we turn away from the subject which has detained us so long, we may console ourselves with the reflection that the Scottish Parliament made a good end, and that nothing in its hitherto uneventful history became it so well. Little better, as a rule, than a passive instrument in the hands of the Crown, and overshadowed in its hour of Covenanted freedom by the ascendancy of the Church, it had burst forth, during these last six years, into most unexpected vigour, expending, as it were, the energy which had slumbered for centuries in that "one crowded hour of glorious life." The crisis of the Union could produce no Knox, and, fruitful as it might have been in political genius, it produced no Maitland and no Montrose; but when we consider the personality of those who pass and re-pass most prominently before us in that closing scene—the graceful adroitness of Queensberry and Seafeld, the massive intellect of Stair, the magnanimity

¹ It is curious that two speeches of Seton of Pitmedden, in favour of the Union, should have found their way into print, whilst the eloquence of Stair, Roxburgh, Seafeld, and Argyll has to be taken wholly on trust. Against the Union, we have only two speeches of Belhaven.

² Boyer's *Annals*, v. 343; *Jerviswood Correspondence*, pp. 44, 106, 110, 137.

of Roxburgh, the charm and impetuosity of Argyll, the intensity of Fletcher, the fiery invective of Hamilton and Belhaven—we cannot but conclude that at no previous crisis in the history of the country had great ability been so plentiful, and the level of public talent so high. And happy was it for the future of Great Britain that Scottish nationality went down, suppressed indeed in outward form, but defiant and unbroken to the last; for this spirit, persisting as it did, not only ensured to Scotland its just recognition in the terms of union, but in after years, when bitter memories had passed away, asserting its vitality in literature and arms, and promoting a solid partnership founded on mutual esteem, was to mingle with English traditions and to become the common heritage of the British race.

CHAPTER V

THE CHURCH AND THE UNION, 1706-1712

THE combination of political forces which resulted in the Union has now been explained; but we have still to consider how far the action of these forces was modified by the agency of the Church; and, as the clergy had not only great influence, negative rather than positive, in promoting the Union, but were to be affected by it sooner and more decisively than any other class, this topic will conduct us by a natural transition from the accomplishment of the Union to its immediate results.

We have seen that the completion of the Revolution Settlement was contemporaneous with the beginning of the first purely secular movement which had agitated Scotland since the outbreak of the Reformation; and it is worthy of notice that the African and Indian Company was established in the same year [1695] as that in which the ecclesiastical constitution was consummated by the Act in favour of the Episcopal incumbents who had taken the oaths. The clergy were not slow to identify themselves with the Darien enterprise, though few of them were in a position to do so by contributing to its funds. The first expedition

had received encouragement from almost every pulpit in the land; in February, 1699, when it was known that a colony had been formed, the Assembly recommended all ministers to pray for its success; and at the close of the same year, two months after news of the abandonment had been received, the Commission enjoined ministers to exhort the people to submission and repentance "so that, if it may be the good pleasure of God, he may yet countenance and bless the undertaking for the advancing the trade of the nation and for propagating the Gospel."¹ In order to compass the second of these ends, the Assembly had sent out certain ministers, known as the Presbytery of New Caledonia, whose business it was to convert the Indians by "dumb signs," or by conducting family worship in their wigwams, whilst the colonists were "stealing from them and teaching them to swear and drink." "Our meetings amongst ourselves," wrote one of these expatriated divines, "are in the woods; where the chattering of parrots, mourning of pelicans, and din of monkeys is more pleasant than the hellish language of our countrymen in their huts and tents of Kedar."² Great, however, as was the interest taken by the Church in the Darien scheme, its zeal was tempered, probably out of respect for King William, by the same prudence which was afterwards to restrain, if not quite to suppress, its hostility to the Union. In the autumn of 1699 the Duke of Hamilton attempted without success to procure an extraordinary meeting of the Commission in order to signalise the failure of the first expedition by instituting a national fast. In January, 1700, when a General Assembly was about to meet, Belhaven wondered "if our Kirk, who has at

¹ *Darien Papers*, p. 254.

² M'Crie's *Veitch and Brysson*, p. 249.

this time sadly abandoned the interest of our country," would take such a step; and probably he was not altogether satisfied when the Assembly, in appointing a "solemn national fast and humiliation," mentioned the misfortunes of the colony as only one, and not even the first, of many causes, including the prevailing sickness and dearth, the destruction caused by a great fire in Edinburgh, and the distressed state of the Reformed Churches in Piedmont, the Palatinate, and France. In June of this year only four members of the Commission could be induced to support the national address; and, a month later, when the final abandonment was known, Seafield wrote to Carstares that the ministers were reported to "continue very firm in their duty to the King."¹

Apart from its shadowy pretensions to be a missionary enterprise, the clergy as such could have no reason for supporting or for opposing the Darien project, unless indeed some of them had anticipated the idea, common enough a little later, that the new enthusiasm for trade must be prejudicial to religious zeal; but it was impossible to convince them that they had not a special interest in the Treaty of Union, although, as we have seen, that treaty as presented to Parliament in 1706 contained no reference to religion or the Church; for, adhering, as most of them did, to the two ecclesiastical standards—the National Covenant of 1638 and the Solemn League and Covenant of 1643—which had been ignored or rather implicitly condemned by the Estates at the Revolution, they regarded the Union as inimical to them both. The National Covenant had disallowed

¹ *Carstares State Papers*, pp. 500, 534, 578; Historical MSS. Commission, 12th Report, Pt. viii. 59; *Acts of Assembly*, 1700, pp. 8-11.

the civil power of Churchmen, and the Solemn League, besides abjuring prelacy, had pledged its subscribers to labour for the reformation of the Church of England; and, in view of these engagements, it was contended that the nation could not unite with, and so recognise the institutions of, a kingdom whose Church was Episcopal, and in whose Parliament twenty-six bishops had seats. To this it was replied that the National Covenant did not absolutely condemn the civil power of Churchmen till it was re-imposed in 1639, and that in this new form it was never generally sworn; that the House of Lords had taken the Solemn League with a reservation that it condemned "not all Episcopacy, but that which is here described"; that the Covenants referred only to the maintenance of the National Church, which the Union expressly confirmed; and that Scottish Presbyterians would be as much at liberty to reform the Church of England after the Union as before, unless they meant to reform it by force.¹ To those who accepted the obligation of the Covenants such arguments, if they did not reject them, must have seemed rather palliative than destructive; and the only real hope that the Union would not encounter active opposition from the Church was to be found in the fact that its opponents were mostly Jacobites, and that the Government which promoted it had lately been remodelled on what was known as "a revolution foot."

We have seen that the Commission appointed by the last Assembly was sitting during the discussion of

¹ Defoe's *Essay at Removing National Prejudices against the Union*, Pt. vi.; *Lawful Prejudices against an Incorporating Union*, and several pamphlets in vindication of, and in reply to, this.—*Tracts on the Union*, 2 vols.; Signet Library.

The action of the Estates in dealing with this petition is not altogether clear. In the Act of Security as passed on November 12 two of the Church's demands, the first and the second, were certainly conceded, and a clause was added, providing that professors and schoolmasters, before their admission to office, should subscribe the Confession of Faith and declare their adherence to the Presbyterian government and discipline, and to the worship at present in use; yet Defoe and Lord Stair, in their letters to Harley, both say that the Act was carried without any alteration being made in response to the second address.¹ In order to reconcile these facts, we must assume that the original draft of the Act had been amended so as to anticipate the articles dealing with the coronation oath and with the imposition of oaths in general, and that the Commission, not being aware, or at all events not being officially cognisant of this, had presented these articles with the other four. An exemption from the sacramental test, which Lord Stair had wished to incorporate in the treaty, was proposed in Parliament only to be thrown out.

The second address of the Commission was a great disappointment to the Nationalists, who had hoped that, far from suggesting amendments, it would prove to be a protest, such as had already been presented by the Presbyteries of Hamilton and Dunblane, against the Union as a whole; but their hopes of a rupture between Church and State began to revive when they found that, though the address was rejected, the Commission did

¹ *Portland Manuscripts*, iv. 348, 350. That the first and second demands were granted was acknowledged by the Commission, and by Defoe himself in his *History*, pp. 259, 623. The "overture" printed on p. 616 was not the original draft of the Act.

not mean to let it drop. "This terrible people the Churchmen," wrote Defoe on November 28, "have not yet done; they have now in debate a protestation against the Act of Security as insufficient. God Almighty open their eyes!"¹ The Commission had indeed been urging their grievances in the Parliament House; and on the day on which these words were written they authorised the preparation of a memorial, to be circulated amongst the members, which was submitted and approved on December 12. This paper omitted all mention of the bishops' votes, but reiterated the other points formerly advocated and still refused—the court for ecclesiastical causes, the commission for planting kirks, the amendment of the abjuration oath, and the exemption of Scotsmen from the sacramental test; and to these was now added a new demand, namely, that all possible security should be provided against the re-assumption by the Crown of its supremacy over the Church. After nearly a month spent in fruitless endeavours to further this list of reforms, the Commission began to concentrate their efforts on the two first, in urging which, with the advice and concurrence of the Lord Advocate, they received considerable encouragement from a parliamentary committee; but, when some ardent spirits, disgusted with the long delay, proposed to present a third address, it was decided, "after much reasoning," that it would be unnecessary and highly inexpedient to take such a course.

This was on January 14, 1707; and, only two days later, the decision thus arrived at was unexpectedly reversed. The Scottish Government, believing that

¹ *Portland Manuscripts*, iv. 360.

the Church could have no better guarantee than a legal establishment which was expressly excluded from the scope of the treaty,¹ had reluctantly yielded to the pressure of public opinion, which insisted that its maintenance should be made a condition of the Union. They foresaw that such a stipulation on behalf of the Scottish Church would lead to a similar stipulation on behalf of the Church of England; and, in order to avoid the dangers involved in a discussion of the ecclesiastical arrangements which should be made at Westminster, they induced Parliament to take what Marchmont admitted to be the "very unprecedented step"² of ratifying beforehand whatever provisions might be inserted by England for the protection of its Church. Early in the morning of the day on which the Act of Security was to be passed, the Commission, at an extraordinary meeting, despatched several members to remonstrate in private against this clause; and an address was presented, a few hours later, in which its deletion was craved, on the ground that it gave a blank power for establishing the English hierarchy and ceremonies, and at the same time bound Scotland, contrary to the Covenants, to give its consent. This petition had no effect; and, as the members of the Commission now began to disperse, the want of a quorum prevented any but informal representations being made with regard to an Act of February 21, which empowered the Lords of Session to take cognisance

¹ There had been "a great division" amongst the Scottish Commissioners as to whether the Church government should be expressly reserved to Scotland by the Treaty. The majority were of opinion that, in terms of their instructions, they could not "so much as name it."—*Carstairs State Papers*, pp. 750-752.

² *Marchmont Papers*, iii. 313, 314.

of all cases relating to the planting of kirks and valuation of teinds.¹

It is evident from this account that the Church, if not an opponent of the Union, was at least a most unfriendly critic; and the wide area covered by the ecclesiastical organisation made it inevitable that here and there suppressed hostility should give place to actual war. Several presbyteries, as we have seen, denounced the treaty as a breach of national vows; one minister, whilst disclaiming any political intention, took advantage of a rumour that the Regalia were to be removed to London to preach from the text, "Hold fast that which thou hast, that no man take thy crown";² and the riot at Glasgow was the work of another, who, after telling his hearers that it was not enough to present addresses and to pray against the Union, exhorted them to be "up and be valiant for the city of our God." In order, however, to appreciate the attitude of the Church at this crisis, it is necessary to bear in mind not only what it did—and here it should be mentioned that the Commission issued a circular letter against tumults³—but also what it might have done, had its indiscretion been equal to its power. Standing between a hard-pressed Government and an infuriated populace, and equally solicited by both, the Church occupied much the same position in the country as the Squadrone occupied in Parliament; and, as the treaty would have been rejected by the Estates if the

¹ The foregoing narrative is based on the *Assembly Commission Records, MSS.*, of which, except in the extracts given by Defoe, no use seems yet to have been made.

² *Portland Manuscripts*, iv. 343.

³ Harley, writing to Carstares, mentioned this letter as "eminently serviceable in promoting" the Union.—*Carstares State Papers*, p. 757.

Squadrone had opposed it, so the majority in Parliament would certainly have been paralysed if the clergy had consented to encourage a popular revolt.¹ "If we can but please the ministers in the security of the Church," wrote Seafield to Godolphin on November 2, 1706, "our greatest difficulty will be over."² The ministers, according to Marchmont, were, most of them, "young men of little experience and warm zeal";³ and, when we consider how little the Union was in harmony with their ecclesiastical traditions, and how strong was the current of popular feeling which threatened at times to sweep them off their feet,⁴ it is no small compliment to their own prudence, and to the vigilance and capacity of their leaders, that they adhered on the whole to the path of neutrality—unsympathetic and even menacing neutrality as it was—marked out for them by the Commission.

The Union had been only two years in operation when the clergy were called upon to make a concession which was so much a corollary of that measure that those in whose favour it was urged could demand it as a right. The legislature of a kingdom which comprised two national Churches could not justly withhold from Episcopalians in Scotland the freedom, or rather the security, of worship which had been accorded to Presbyterians in England; and a fanatical pamphleteer had made it one of his chief arguments against the

¹ "The first effect of the country's rising would be to chase us home."—Stair to Harley, November 26; *Portland Manuscripts*, iv. 360.

² Add. MSS. 28055.

³ *Marchmont Papers*, iii. 305.

⁴ "The Churchmen in particular are going mad," wrote Defoe on October 29, "the parsons are out of their wits; and those who at first were brought over, and, pardon me, were some of my converts, their country brethren being now come in, are all gone back, and to be brought over by no persuasion."—*Portland Manuscripts*, iv. 343.

Union that a "legal toleration" would be its inevitable result.¹

In the years which followed the Revolution this question, under less favourable conditions, had been more than once raised. William had done what he could to protect his Episcopal adherents in Scotland; and, though he failed to carry the two projects of comprehension and toleration, under one or other of which he had hoped to include them all, the second of these measures was more nearly successful than the first. The comprehension scheme, which was plainly illegal, was rejected by the Assembly, and nullified by the Estates; but the King's ministers, though they did not venture even to introduce an Act of toleration, had no difficulty in repealing the penal laws; and by the middle of the reign the legal position of the Episcopal clergy had considerably improved. Those of them who occupied their pulpits at the time of the King's accession, and had not since been deprived or deposed, were protected, if they were not nonjurors, by the Act of 1695, which permitted them to retain their livings on condition that they took no part in ordination or in the government of the Church. The remainder—and these were probably two-thirds of the whole—were prohibited by an Act of the same year from administering the rites of baptism and marriage; but, with this exception, unless they had failed to take the oaths, in which case they were liable to be banished, there was no law to restrict, though at the same time there was none expressly to protect, them in the exercise of their pastoral office. The great majority of the ejected prelatists, however, had forfeited their claim to this tacit toleration—which, nevertheless, most of them still

¹ *Lawful Prejudices against an Incorporating Union*, p. 11.

enjoyed¹—by not acknowledging the Revolution Government; and it was thus rather as Jacobites than as Episcopalians that they expected “mighty things”² from the accession of Queen Anne.

The new reign opened less auspiciously for the Scottish than for the English Tories; but the former had good reason to congratulate themselves when the Convention Parliament was dissolved, when Whigs and Presbyterians were turned out of the Government and Privy Council to make room for Cavaliers, and when an indemnity was issued which invited the return of political refugees. Encouraged by these favourable signs, the dissenting clergy sent up two petitions to the Queen, beseeching her in the one to give liberty to parishes in which the majority of the inhabitants were Episcopalians to admit them as pastors, and, in the other, to relieve the poverty and distress of what they called—and the phrase was not forgotten—“this national church.” It is no discredit to the petitioners that they should now have demanded an indulgence, or, as they termed it, an “Act of Grace,” similar to that which as granted by Charles II. to the Presbyterians they or their predecessors had strongly opposed; but it is impossible not to question their good faith when we find one of them writing privately in support of the second petition that it had been suggested by

¹“We had, though not a toleration, such a sort of connivance, that we kept our private religious meetings without much disturbance, except now and then, just to shew us that we were in their power.”—Letter of Oct. 25, 1703, quoted in Stephen's *History of the Church of Scotland*, iii. 653. Stephen's work, though inaccurate and illiterate, is a most useful compilation, and contains many original documents. It is interesting to compare the childishness and feminine spite of such writers as Stephen, Lawson, and Lyon with the equally bigoted, but sterner and more masculine temper of the Presbyterian zealots.

² Lockhart, i. 42.

the kindness shown by the Queen "to her father's friends," and that "it is very well drawn, by the advice both of churchmen and lawyers, without any promise of qualifying," or, in other words, of taking the oaths. The Queen returned a gracious answer; and she gave a still more emphatic testimony of her goodwill by giving orders to the Privy Council that the dissentient divines, whether in benefices or in meeting-houses, should "be protected in the peaceable exercise of their religion," and by exhorting the members of the Assembly which met in March, 1703, to show such meekness and charity to these, their fellow-Protestants, that "they may be the more inclined to live peaceably and dutifully under us, and in brotherly love and respect toward you and the Established Church."¹

It was natural in such circumstances that William's project of a statutory toleration should be revived; and, whilst the sentiments of Anne and her overtures to the Cavaliers are sufficient to account for the measure which was introduced on June 1, 1703, the attitude of the Episcopal clergy explains, to some extent, why it failed. These men were still so far from attesting the loyalty on which they founded their petitions to the Queen, that few of them prayed for her—and some even prayed for the Pretender—in anything but ambiguous terms;² and the suspicion that what they wanted was a political rather than a religious toleration must have been strengthened by the tenor of the Act, which, without mentioning the oaths, provided that it should be lawful

¹ Ridpath's *Proceedings of the Parliament of 1703*, pp. 4-9; Stephen, iii. 642; *Acts of Assembly*, 1703.

² *Letter from a Gentleman to a Member of Parliament concerning Toleration*, pp. 10-11.

for all Protestants to assemble for worship, and that none should presume to molest them, subject only to a proviso that, if any preacher inculcated seditious doctrine, he should be punished by the Privy Council. There can, however, be little doubt that the opposition to this measure was inspired quite as much by intolerance as by a regard for the public peace. It was a common argument both in Parliament and in the press that there was no need to authorise, and so to encourage, a schism which was not illegal; but the Church attacked the principle of toleration, and must thus have convinced the Episcopalians that nothing less than a positive enactment could secure their rights. In a sermon preached before the Queen's Commissioner, and afterwards published, George Meldrum maintained that none of the dissenters could pretend to a scruple of conscience, except those, if any such there were, who believed in the necessity of episcopal ordination, and that was an opinion which "should not be tolerated in any Protestant church"; and the Commission of Assembly, ignoring this distinction, argued in a similar strain that none of their prelatial brethren regarded the question of Church government as fundamental, and that "there was never in any nation a toleration allowed where there was no pretence of conscience against joint communion."¹ According to this principle, Roman Catholics would have had a better claim to toleration than Protestant Episcopalians; and it was certainly an exhaustive, if not a conclusive, plea for persecution that the majority of the dissenters should be constrained because they did not think it sinful

¹ Ridpath's *Proceedings*, pp. 4-9; Stephen, iii. 648-650. The toleration controversy produced a large crop of pamphlets, but few of these are of any historical value.

to conform, and the rest because they did. The Toleration Act was thus equally obnoxious to bigoted Presbyterians and to zealous Whigs; and we have seen that the Cavaliers, who had now joined the Country Party against the Court, allowed it to drop, lest it should alienate their new allies.

The prelatists had followed up their addresses to the Queen with a series of pamphlets, in which Episcopacy was represented as a divine institution, to be tolerated in adversity but, when established, not to be separated from without sin; and the hostility excited by the bold pretensions of dissent was quickened rather than appeased by its defeat. As early as January, 1703, an Episcopal chapel in Glasgow, where the English service was used, was raided by the mob; in March, soon after this chapel had been finally wrecked, the General Assembly was preparing to assert the *jus divinum* of Presbytery when it was abruptly dissolved; and the triumph of the Country Party in Parliament was signalled by the Acts, already mentioned, which confirmed Presbyterian government and made it high treason, by writing or speaking, to attempt any alteration in the Claim of Right. Episcopacy had waxed strong under the countenance of the Queen; but the party which supported its claims had now quarrelled with the Court; and its political influence steadily declined as the Tory Ministry of 1703 gave place to the Squadrone Ministry of 1704, and that again to the Whig Ministry of 1705. During the Union deliberations in Parliament the Government could afford to lose no opportunity of conciliating the Church; and at the end of 1706, when the crisis was at its height, all or most of the Episcopal chapels are said

to have been closed.¹ Whilst, however, the progress of the Union was prejudicial to the interests of the dissenting clergy, they must have seen, in the liberality of its most enlightened supporters as well as in its probable results, a promise that their political emancipation would not be long delayed. Seton of Pitmedden, in a treatise published as early as 1700, had proposed that a common ecclesiastical system should be devised by the Parliament of the united realm; and had contemptuously suggested that, if any of the clergy refused to submit to this, they should be armed at the public expense to fight out the question among themselves.² "The putting an end to uncharitable and unreasonable divisions about our trifling differences in religion," wrote another pamphleteer, "is one of the great benefits Scotland will reap by this Union"; and, in answer to a passage in Belhaven's famous speech, the same writer declared that he should "heartily wish to see a plantation of as rich Jews as any in Amsterdam, as rich Independents, Quakers and Anabaptists as any in England, settled in all the trading towns of this kingdom."³

Happily for the Episcopal clergy, their demands were conceded before the influence of these liberal ideas could make itself generally felt; and they owed their emancipation—if such it can be called—to the combined effect of the Union and of a practice which had recently gained ground amongst them in bringing them into closer relations with the English Church. The opposition to the Service-Book so arbitrarily

¹ Stephen, iii. 654, iv. 13; Skinner's *Ecclesiastical History*, ii. 604; Somerville's *Reign of Queen Anne*, p. 468.

² *The Interest of Scotland*, p. 48.

³ *A Sermon Preached to the People at the Mercat Cross*, pp. 18-19.

introduced by Charles I. in 1637 had resulted soon afterwards in the disuse of the older liturgy, known as Knox's, which it had been intended to replace; and thenceforward the Church of Scotland, whether Episcopal or Presbyterian, has always adhered to the practice of extemporary prayer. After the Revolution, however, Dr. Monro, one of the deprived clergy, began to use the English service at Edinburgh;¹ in the early years of Queen Anne the liberality of English Churchmen provided a large supply of prayer-books for Scotland;² and in 1707, though obnoxious to many of the laity, the new form had made so much progress that the General Assembly passed an Act against it, and authorised the Commission to make representations to the Government for the purpose of putting it down. Presbytery thus asserted the jurisdiction as well as the privileges of a national Church; and in 1709 one of the Episcopal clergy ventured to dispute the claim.

In February of that year James Greenshields, a Scotsman who had been ordained by the deprived Bishop of Ross, but who for fourteen years had been a curate in the north of Ireland, and as such, with questionable sincerity, had taken the abjuration oath, came to Edinburgh, and set up a meeting-house, in order, as he himself explained, to see whether his political qualifications would protect him in using the Book of Common Prayer. At that time there were thirteen Episcopal chapels in and around Edinburgh, in some at least of which the English liturgy was read;³ and Greenshields would probably have suffered

¹ Grub, iii. 319. Two clergymen were maltreated at Dumfries in 1692 for using the Prayer-Book.—Chambers' *Domestic Annals*, iii. 65.

² Skinner, ii. 606; Somerville, p. 467.

³ *Remarks on 'A True State of the Case of the Reverend Mr. Greenshields,'* p. 13; Defoe, Preface, p. 21.

no more serious molestation than his brethren, all of whom were non-jurors,¹ if, after leaving or being turned out of a room in the Canongate, the owner of which feared that his taxes would be raised, he had not taken "a more convenient house"—so convenient, indeed, that it was situated exactly opposite the church of St. Giles, and if he had not obtruded his presence on the four congregations which assembled in that citadel of Presbyterianism by making his services begin and end at the same time as theirs. From this house the Dean of Guild was induced to eject him on the plea that the flooring was not substantial enough for a public hall; but, though he retired to a less conspicuous station, he was now a marked man. A complaint, signed by some 200 persons, was presented to the Commission; the Commission, in accordance with the late Act of Assembly, enjoined the prosecution of all who had introduced "the use of set forms"; and Greenshields, having been cited before the presbytery and having denied its jurisdiction, was suspended on September 7 for officiating as a minister without warrant and for violating the uniformity of worship established by law. Refusing to comply with this sentence after it had been endorsed by the magistrates, he was imprisoned. When he applied for his release to the Court of Session, the judges upheld the plea put forward in their defence by the magistrates that ordination by an "exauctorate" bishop was wholly invalid; and a second petition in which he combated this principle, whilst asserting that

¹ Rose, the "exauctorate" Bishop of Edinburgh, would allow none of his clergy to pray for the Queen, much less to take the oaths; and this was no doubt the reason why he did not license Greenshield's chapel.—Letter of Nicolson, Bishop of Carlisle, quoted by Stephen, iv. 61; Grub, iii. 363.

it was not the real ground of his imprisonment, was also dismissed. On December 29, 1709, he gave formal intimation of an appeal to the House of Lords; and soon afterwards a narrative of the whole case was published at London, in the preface to which the belief was expressed that it would "be startling news to many members of the Church of England to hear that a minister, episcopally ordained," had undergone four months' imprisonment at Edinburgh for no other offence than that of reading the Book of Common Prayer to a congregation composed, to a large extent, of English people.¹

Three weeks before Greenshields gave notice of his appeal, the Earl of Islay, Argyll's brother, wrote to Carstares from London that, though the decision of the Court of Session had "made some noise at first," the general condition of affairs was too tranquil to allow of much interest being taken in the case, for, "whenever that dispute receives any extraordinary turn here, it will be for other designs, and when projects are moving at the same time."² The truth of this prediction was speedily made good. A few months later, England, then so quiet, had wrought itself into a fever of excitement, and—when the result was known—into a fever of exultation, over the trial of Sacheverell for two sermons in which he had advocated non-resistance, attacked the principle of toleration, and declared the Church to be in serious peril—a fever which the vanity and self-assertion of the popular divine contrived to prolong for more than five months, and during which dissenting ministers all over the country were mobbed

¹ Adv. Libr. Pamphlets, First Series, 61, 268, 600, 1001; Second Series, 233; Defoe, Preface, pp. 19-23; Fountainhall's *Decisions*, ii. 523-524.

² *Carstares State Papers*, p. 779.

and insulted and their meeting-houses wrecked. In August 1710, after Sacheverell had completed a triumphal progress to and from the living which had been bestowed upon him in Shropshire, the Queen dismissed Godolphin, as she had already dismissed Sunderland; in September the rest of the Ministers who had carried the Union were turned out; and at the general election in November the Whigs suffered an overwhelming defeat. These events, whilst they delayed the consideration of Greenshields' case by the Lords, promised to ensure its success. Harley, indeed, the new Tory Premier, was anxious to procure the withdrawal of an appeal, the issue of which was certain to irritate either the English or the Scottish Church; but the Scottish Tories in the Commons were determined, in spite of his remonstrances, not to let it drop. When the case was called on March 1, 1711, it was argued for the magistrates in bar of jurisdiction that they had merely enforced the sentence of a Church court, as by an Act of 1693 they were bound to do; that it was really the sentence of the presbytery, not theirs, which was to be reviewed; that, before the Union, there had been no appeal from the Church courts to Parliament; and that, if such a precedent was now to be established, the appeal should be carried in the first instance to the Provincial Synod or to the General Assembly. These preliminary objections were, however, overruled; and on the same day judgment was given for the appellant, and the magistrates who had imprisoned him were found liable in damages as well as in costs.¹

¹ Lockhart, i. 346-348; *Reports of Scottish Appeals in the House of Lords*, i. 12-15. Greenshields' was the sixth Scottish appeal—not, as so often said, the first—which had come before the Lords since the Union; but the preceding cases had all been questions of private right. He had been seven months in prison.

Beneficial as were to be the results of this dispute, its progress tended only to exasperate the temper of the Scottish Church. The more zealous ministers denounced the Book of Common Prayer as superstitious and idolatrous, and one of them even professed to find in it something that was diabolical.¹ Shortly after the establishment of Presbytery at the Revolution, the chaplain of an English regiment had been suffered without complaint to conduct service in one of the churches of Stirling;² but the use of the liturgy, even amongst soldiers who belonged to the Church of England, had now become so "ticklish a point" that Brigadier, afterwards General, Wightman on writing for instructions to Court, was informed, apparently by the advice of Carstares, that this practice must not be attempted on Scottish soil; and, four months later, in February 1710, an English officer complained of it, as a piece of intolerance which he had never experienced "in the most rigid Roman Catholic countries," that his regiment at Edinburgh was deprived of the ministrations of its chaplain.³ As soon as the result of Greenshields' appeal to the House of Lords became known in March 1711, many new meeting-houses were erected at Edinburgh, and, according to Wodrow, "the English service was set up almost through all the north of Scotland";⁴ but, as the Episcopalians were not content with this decision, they had an obvious reason for underrating the security they now enjoyed; and in November of this year Lockhart published a pamphlet⁵ at London,

¹ Greenshields' Letter, September 17, 1709, p. 3—Adv. Libr. 61.

² *Ibid.* December 15, 1709, p. 25—Adv. Libr. 1001.

³ *Carstares State Papers*, pp. 776, 783; Wodrow's *Analecta*, i. 214. Wodrow erroneously gives the Brigadier's name as Weir.

⁴ *Correspondence*, i. 301.

⁵ *Lockhart Papers*, i. 548.

intended to place the condition of his fellow prelatists in such a light as should induce the British Parliament to do for them what the Scottish Parliament had failed to do in 1703. Sir James Stewart, after being two years out of office, had lately been re-appointed Lord Advocate; and Lockhart asserted that Stewart, whom he described as the most determined foe of monarchy and Episcopacy from Orkney to Land's End, was violating the law as laid down by the Lords, and, in particular, that he had ordered the Lord Provost to close all the meeting-houses in Edinburgh, especially those in which the English prayer-book was used. The force of this statement was greatly diminished by his admission that few of the ministers thus treated prayed *nominatim* for the Queen,¹ and that none of them—to judge by his silence—had taken the oaths; but such an offence was by no means unpardonable in the eyes of English Tories; and the object of Lockhart's appeal was speedily attained.

On January 21, 1712, leave was granted in the Commons to bring in a Bill for the protection of Scottish Episcopalians in their worship and in the use of the Book of Common Prayer. Proceeding on a recital that the meetings of such persons had frequently been disturbed and their ministers prosecuted for reading the English service, the Bill repealed the Scottish statute of 1695 against irregular baptisms and marriages, gave full liberty to Episcopalians, not being Papists or disbelievers in the Trinity, to assemble for worship and to use the liturgy, and

¹ In 1709 the only Episcopal minister in Edinburgh who prayed for the Queen told Calamy that the behaviour of the Established clergy towards him "was very friendly and brotherly, and liable to no exception." Calamy's *Life*, ii. 165.

required all magistrates to protect them, provided that their pastors had been episcopally ordained and had taken the same oaths as were incumbent on ministers of the Established Church. There was also a clause which exempted all who were not Presbyterians from the jurisdiction of the Church; but this was altered in consequence of an interview between certain Tory members, including Lockhart, and three ministers, including Carstares, whom the toleration project had surprised whilst on a mission to Court. Carstares objected that, as prelacy had no coercive power, such an exemption would be prejudicial to morals; and Lockhart, professing to fear that "all the scandalous fellows in the country" might pass themselves off as Episcopalians, adroitly met this objection by proposing to prohibit magistrates from enforcing any ecclesiastical summons or sentence, thus reducing the rival communion, in point of authority, to the same level as his own.¹ On February 5 this amendment was adopted, and also another which required every minister of the Church and every pastor of an Episcopal congregation to pray in express words for the Queen and the Princess Sophia. The Bill was read a third time and passed on February 7 by 152 votes to 17.²

¹ Lockhart, i. 379-380. Had Carstares, as Lockhart says, agreed to this alteration and promised in return not to propose the abjuration oath, he could not have ventured as he did to attack the amended clause on the ground that it allowed the Church "no more power than a philosopher." See *The Case of the Church of Scotland with relation to a Bill for a Toleration to Episcopal Dissenters*, p. 16. Lockhart is also wrong in saying that this was the only amendment proposed in the Commons.

² *Commons' Journals*, xvii. 33, 54, 69, 72. Boyer (x. 345) says that 13 Scottish members voted in the majority of 162 and 14 in the minority of 17. It is very odd that only 27 Scottish members should have taken part in the division; and, as 162 is wrong, the other figures are not reliable.

Meanwhile Carstares and his colleagues were "running amongst the members" and submitting to be racked in "hackney coaches"¹ in order, if possible, to arrest the progress of the Bill. A petition which they presented to the Commons had not been received; but the House of Lords consented to hear counsel on their behalf; and, though Halifax and Bishop Burnet vainly urged the rejection of the measure as a violation of the Union, some attempt was made in committee to meet their views. It was now provided that Episcopalians must not make use of parish churches, that their marriages must be proclaimed in church as well as in chapel, and that their pastors must have received ordination from a Protestant bishop; and these amendments, which strengthened rather than enlarged the provisions of the Bill, were accompanied by another of similar, but of far more serious, import. The clerical deputies had suggested that the ministers, who were to be tolerated, should be required to abjure the Pretender; and the Lords, adhering to the clause which prescribed a common obligation for the Established and the non-Established clergy, resolved that the abjuration oath, which, after the Union, had been imposed on all officers, civil and military, in Scotland,² should be taken alike by ministers of the Church and by Episcopal pastors. The Commons agreed to these amendments, and the Bill received the royal assent on March 3, 1712.³

¹ "Our joints have been almost pulled sundry with driving in hackney coaches through all corners amongst our great men for some weeks." So wrote Blackwell, Carstares' colleague, some weeks later.—*Spalding Miscellany*, i. 220.

² *Statutes at Large*, iv. 290.

³ *Statutes at Large*, iv. 513; Boyer's *Annals*, x. 362-363; *Spalding Miscellany*, i. 197-211. A summary of the Bill in its original form will be

The opponents of toleration had overreached themselves in attempting to make more stringent its political conditions. Had the restrictive clause been enacted as it was passed by the Commons, there is no reason to suppose that the dissenting ministers, who had hitherto refused to take the oaths of allegiance and assurance, would now have submitted to these tests; and the bishops, on learning that such a qualification would be insisted on, had attempted to dissuade their friends at Westminster from introducing the Bill.¹ Even in this form, the measure would have caused some disturbance in the Church; for, willing as the Presbyterian clergy were to pray for the Queen and the Hanoverian succession, it outraged their ideas of spiritual independence that they should be required to do so, on pain of deprivation, by the civil power. When, however, the Whig majority in the Lords had adopted the suggestion of Carstares and his colleagues that those who benefited by the Act should be required to abjure the Pretender, and when they had conceded to the Tories—what they could not well refuse—that the Established clergy should be required to do the same, not only was a new and insuperable obstacle put in the way of toleration, but a pledge of conformity was exacted which threatened to throw vacant many more pulpits than the Test Act of 1681, and which on that account the Tories had advocated, in the hope that their meeting-houses would escape an obligation which could not be enforced within the Church. We have seen how earnestly the Commission of Assembly during the Union deliberations in Parliament had

found in Adv. Libr. Pamphlets, Second Series, 233. The *Lords' Journals* afford little information.

¹ Wodrow's *Correspondence*, i. 195, 303.

pleaded for an amendment of the abjuration oath which bound its subscribers to defend the succession as determined by an Act, one of whose provisions it was that the sovereign should be a member of the Church of England. The Lords attempted to remove this difficulty by a verbal alteration;¹ but the amendment was rejected by the Commons; and we shall see in another place what searchings of heart were to be occasioned in Scotland by the phraseology of this unfortunate oath.

In his sermon to Parliament in 1703 George Meldrum had said that the Church had covert as well as open enemies, and that the former would probably attempt first to restore patronage, and then to establish toleration; and, except that the order of the two schemes was reversed, this prediction was to prove true. Before, however, we deal with the subject of patronage as it came before Parliament in 1712, it will be well to indicate what had been the previous history of this question in Scotland.

The original patron of a benefice is supposed to have been its founder; and, though a right of presentation was afterwards assumed by neighbouring landowners, and ultimately, where no individual could establish a title, was claimed by the Papacy or, as its successor, by the Crown, the extent to which such a right was operative had been gradually curtailed. Before the Reformation, patronage had been extinguished in the case of all parochial churches—and these were nearly three-fourths of the whole—which had been gifted or

¹The alteration consisted in substituting "the succession . . . which is and stands settled" by a certain Act for "the succession as it is and stands settled." *Which* was supposed to be merely indicative, "but it was suggested that the particle *as* related to all the conditions in that Act."—Burnet, vi. 107; *Analecta*, ii. 194.

"appropriated" to cathedral chapters, bishoprics or abbeys, because such livings, owing to the permanent character of the corporation or office, could never become vacant; and even in the case of parsonages, that is, of livings which remained patronate and were not served by stipendiaries or vicars, the patronage was frequently in ecclesiastical hands. When the Reformed Church was established seven years after the national recognition of Protestantism in 1560, the rights of lay patrons were expressly confirmed; and these rights received a great extension when the Lords of Erection, in whose favour the monastic estates had been "erected" into temporal lordships, ignoring the fact that the churches annexed to these estates were merely stipendiary cures, converted them into parsonages, and, whilst retaining all but a fraction of the tithes, which ought in that case to have been restored, assumed the rights of patrons.¹ The Act of 1592 establishing Presbyterian government re-affirmed the principle of lay patronage, and seems to have included under that head the patronage of ecclesiastics which had fallen to the Crown, and which in many cases the Crown had gifted to individuals; and the rights claimed by the Lords of Erection, whatever sanction they may have derived from this statute, were fully recognised when Charles I.'s reorganisation of the tithe system was adopted by Parliament in 1633.²

The practice thus upheld by the civil power did not commend itself to the Church. The First Book of

¹ The General Assembly of 1588 made representations on this subject to King James VI., and meanwhile charged "all commissioners and presbyteries that they on no wise give collation or admission to any person presented by the said new patrons."—Calderwood's *History of the Kirk*, iv. 685.

² Dunlop's *Parochial Law*, pp. 188-196; *Act. Parl.* v. 39.

Discipline, which was mainly the work of Knox, declared that "it appertaineth to the people and to every several congregation to elect their minister," and this idea seemed likely to gain ground; for we have seen that patronage had in great measure died out; and, just as the principle of spiritual independence, which was foreign to Knox's teaching, took its rise in the fact that for seven years the Reformed Church had no legal connexion with the State, so the repudiation of patronage must have seemed natural to a body of ministers who throughout that period had no statutory provision, and whose "appointment was in general not to a benefice but to the spiritual office of pastor alone."¹ On the other hand, the Crown and the nobles showed little disposition to restore the patrimony of the Church; and the fear that parochial livings and prelacies would alike be secularised induced the Reformed Communion to find room in its economy for patrons, as in 1572 it found room for bishops. Thus in 1560, the very year in which the First Book of Discipline was compiled, we find a minister admitted to the cure of a parish who had been presented by Sir John Borthwick; in 1565, in support of its complaint that a living in Carrick had been given to a layman, the General Assembly disavowed any intention of defrauding patrons, whether the Crown or individuals, of their just rights, and insisted merely that "as the presentation unto the benefice appertains to the patron, so the collation by law and reason belongs to the Church"; and Knox himself, subject to the same condition, endorsed both patronage and prelacy in a letter which he wrote to the Assembly shortly before his

¹ Dunlop, p. 186.

death.¹ In 1581 it had become apparent that neither of these expedients was any real protection to the Church; but by that time the principle of popular election had been modified by the growing importance of ecclesiastical courts; and hence the Second Book of Discipline, in which Andrew Melville had the chief hand, whilst expressly repudiating patronage as well as prelacy, and craving its abolition as an abuse which had "flowed from the Pope and corruption of the canon law," provided that the minister should be chosen by the eldership, which meant the presbytery, with consent of the congregation. This part of the Book, in common with its theocratic pretensions, was pointedly ignored by the statute of 1592, which enacted "that Presbyteries be bound and astricted to receive and admit whatsoever qualified minister presented by his Majesty and laic patrons." More than half a century later, patronage was abolished by the anti-national and unrepresentative Parliament of 1649; and the General Assembly, with the sanction of the Estates, then assigned the right of choice to the kirk-session, whilst requiring the presbytery on intimation of dissent, not grounded on "causeless prejudice," by the major part of the congregation, to order a fresh election.² The Act of 1649, with other Acts of the same period, was rescinded at the Restoration; and patronage, thus revived, continued in force till the year 1690.

When the Act of 1592 in favour of Presbytery was revived in that year, its provisions in regard to patronage were expressly reserved; and Lord Melville,

¹ Calderwood, ii. 46, 298; Petrie's *Compendious History of the Catholic Church*, ii. 342, 344; Bannatyne's *Memorials*, p. 251.

² Dunlop, pp. 199, 281.

the royal Commissioner, having availed himself of a discretionary power, which William had reluctantly given him, to assent to the abolition of that system, a supplementary statute was passed which abolished patronage and enacted that, when a parish became vacant, the Protestant heritors and elders, if it was situated in the country, and the magistrates and elders, if it was situated in a town, should "name and propose" a minister to the whole congregation, which, if dissatisfied, might appeal to the presbytery, whose decision was to be final. The heritors and elders were required, not permitted, to pay within four months a sum of 600 merks (£33 6s. 8d. sterling) for each patronage, which its possessor was bound to accept. As further compensation to the patron, the Act of 1649 was revived in so far as it gave him the unappropriated tithes of his parish; and in 1693 all parsonages were reduced to the level of stipendiary cures, so that the patron in these cases became entitled to the whole tithes, subject to deduction of stipend.¹

This was obviously a much less radical measure than that of 1649. Sir James Stewart, who as Lord Advocate was responsible for the Act, told Wodrow, many years later, that it was intended wholly to do away with the right of presentation; that, to avoid any misconception on this point, the words "name and propose" were used purposely in place of "present"; and that the provisions as to purchase and sale were inserted in consequence of a proposal in Parliament that means should be taken to prevent the restoration of patronage. Stewart, however was forced to admit that "ministers and most part of persons" were under

¹ Dunlop, p. 545; Connell on *Tithes*, i. 317, 318; *Report of Select Committee on Patronage*, 1834, p. 17.

the impression that the function of the patron had merely been transferred to the heritors and elders;¹ and, as an expedient for the extinction of patronage, the Act proved so ineffectual that during the 22 years in which it was in force only four parishes turned it to account.² This has been explained on the ground that the heritors had little interest in purchasing the confirmation of a right which they already enjoyed, and that the patron, hoping to be re-instated, was unwilling to sell;³ and such an explanation implies that the temper of the Church on this question was very much cooler than many writers of a later day are willing to admit. Had there been any strong feeling against it, at all events amongst the laity, patronage would certainly have found a place amongst the Articles of Grievances which were presented to William in 1689; and it is very remarkable that so little use should have been made of the means provided by Parliament for preventing that revival of the practice which had been apprehended as a probable contingency since the accession of Queen Anne.

The Church of Scotland had, however, some reason to be surprised when a Bill for the restoration of patronage was brought into the Commons on March 13, 1712. The probability of such a measure being introduced had alarmed the clergy during the Greenshields agitation of 1709, and had been discussed in the Assembly only in the previous year; but Harley, now Earl of Oxford, had completely reassured the Church on the latter occasion by a letter to Carstares in which

¹ *Analecta*, i. 275.

² In one of the four cases the person to whom the 600 merks had been paid was afterwards proved at law not to be the true patron.

³ *Patronage Report*, p. 17.

he said that the design had indeed been mooted by two rash persons, but that "it never was in the least countenanced or entertained."¹ Lord Oxford, who had privately opposed the toleration, made a fruitless attempt to fulfil these assurances by intriguing against the Patronage Bill;² and the opposition of Carstares and his colleagues to the second of these measures was no more successful, though less unfortunate in its results, than their opposition to the first. The statute which came into force on May 1, 1712, restored to all patrons who had not renounced it their right of presentation, and at the same time allowed them to retain the advantages which had been given to them in return for their loss. If the patron did not present within six months, his right was to pass to the presbytery; patrons who had not already taken the abjuration oath were to take it on signing a presentation; and those of them who were known or suspected to be Papists were debarred from presenting till they had renounced the Roman Catholic faith. On the same day as that on which patronage had been abolished by the Scottish Parliament, July 19, 1690, an Act had been passed doing away with the "yule vacance" or Christmas vacation in the law courts; and this Act was now repealed.³

¹ Wodrow's *Correspondence*, i. 77, 84, 225, 228; *Carstares State Papers*, p. 82.

² Lockhart, i. 385.

³ *Statutes at Large*, iv. 522-523; *Spalding Miscellany*, i. 214-220; *Carstares State Papers*, pp. 796-800. The Patronage Bill passed the Commons by 173 votes to 76.—*Journals*, xvii. 174. Where the Bill empowered the patron "to present a qualified minister," Wodrow (*Correspondence*, i. 277) says that Argyll induced the Lords to substitute "Presbyterian" for "qualified"; but those modern writers who represent the Bill as altered in this sense have failed to notice that "qualified" is still retained. Argyll's amendment, which was certainly

Three Bills, all more or less offensive to the Scottish Church, had now become law—the Toleration, the Patronage, and the Christmas Vacation Bill. The last of these, a purely vexatious measure, was rescinded on the accession of George I. ; but the other two retained their places on the statute book, and only in the case of the first was any concession made to the popular feeling which regarded them both as violations of the Union. The Union was indeed based on an Act of Security which provided that the worship, discipline and government of the Church of Scotland as established at the Revolution should continue for ever without alteration ; but the Church and the nation had long ceased to be synonymous terms ; and, as the clergy at that very time were complaining that the English service was coming into use and that thousands of prayer-books had been imported from England,¹ we may be sure that far more explicit language would have been used if the intention had been, not merely to secure Presbytery from being subverted by English votes, but, as Defoe would have us believe, to persecute dissent. Nevertheless, it was on this most illiberal plea that the magistrates of Edinburgh defended their treatment of Greenshields before the House of Lords ; and the Church in its printed *Case* against the Toleration Bill, not content with making this the first

redundant, must, therefore, have been rejected by the Commons. Professor Blackwell of Aberdeen, the last of the clerical deputies to leave London, thus joyfully hails the conclusion of his task : " If once I had gotten the last accounts from the Assembly, if there be a coachman in England that is a good whipman for stage journey, I intend to have him ; for then I shall be free of the easy stones of London, and shall bring down the bones and relicts of ane old friend to see if the Fairyhill air and the tutory of the little wife in the Green will give any reviving."—*Spalding Miscellany*, i. 220.

¹ *Assembly Commission Records*, MSS.—November 11, 1706.

of its arguments, attempted to develop it by asserting that the conduct and ritual of dissenters ought to be subject to some ecclesiastical authority, and that, in terms of the Union, no such voluntary jurisdiction could be suffered to exist. We have seen, however, that the Toleration Bill prescribed a political test, and the nature of that test certainly exposed it to be denounced as contrary to the clause in the Act of Security which provided that no oath, test, or subscription should be exacted in Scotland inconsistent with the principles of the Established Church. It was, indeed, most admirably shown by a Presbyterian pamphleteer that the abjuration oath could refer only to the general purport of the Act of Settlement as securing the Hanoverian succession, and not to any of its specific provisions, such as that which required the sovereign to be a member of the Church of England, since two of these provisions had already been repealed;¹ but the argument, unanswerable as it was, failed to take account of the fact that it was just such a misapprehension as this which had given rise to the protective clause in the Act of Security; and it was, therefore, a just concession to a natural but mistaken scruple when in 1715 the oath was re-enacted in a form which ought to have put its innocence beyond rational doubt.

The revival of patronage encountered much less opposition than the toleration scheme; and the plea that it violated the Union, though much better founded, was not so strongly pressed. It has, indeed, been maintained that the Act of Security ignored the question of patronage because it confirmed only the

¹ *Collection of Papers against the Scots Toleration and Patronage*: Preface.

Act establishing Presbytery and the other Acts relating thereto in prosecution of the Claim of Right;¹ but this objection is more captious than solid, inasmuch as patronage, though not mentioned in the Claim, was expressly reserved for future consideration by the Act in favour of Presbytery, so that its subsequent abolition must be regarded virtually, if not technically, as the completion of that Act; nor is it evident that the reference to the Claim was meant to be exclusive, and not merely descriptive. Yet, though the restoration of patronage may have infringed the contract of partnership between the two nations, to put the matter in this shape is to reveal a way of looking at the Union which has no justification in law. It is certain that the framers of the Act of Security endeavoured to reconcile the results of political incorporation with an absolute legal guarantee for the permanence of the Scottish Church as established at the Revolution, but it is equally certain that in so doing they attempted an impossible task. Nothing, indeed, can be more convincing than the argument of Hodges that the notion of two kingdoms being incorporated and yet retaining certain mutual obligations is a contradiction in terms, since it implies that what has become one is still two;² and we are confronted with only another aspect of the same contradiction when we consider that our ancestors called into being a sovereign Parliament and then attempted by a mere injunction to restrain its power. The joint legislature created by the Union was as completely unfettered as the two several

¹ Lee's *Lectures on the History of the Church of Scotland*, ii. 383.

² *Rights and Interests of the two British Monarchies*: Treatise iii. The numbering of the pages in this Treatise is very confused, but the argument referred to forms the "Twentieth and Seventh Interfering Interest."

legislatures which it had displaced; and, so long as parliamentary sovereignty continues to be the dominant characteristic of our constitution, what the English and Scottish Parliaments in 1707 declared to be unchangeable the British Parliament will always be entitled to change.¹

The revival of patronage may be said to have completed by an unwelcome amendment the re-organisation of the Scottish Church; and three and a half years later, on December 28, 1715, the clergyman, who had been William's chief adviser in that settlement, passed away. Ecclesiastical talent in Scotland has seldom been at a lower ebb than during the twenty years which succeeded the Revolution; but the absence of serious rivalry, which would have magnified a more doubtful reputation, can only have been detrimental to that of Carstares. It has been said of him that, in addition to being both a scholar and a man of affairs, he combined the faith and zeal of a martyr with the shrewdness and suppleness of a consummate politician;² and, as he had displayed the first of these gifts when

¹ "If indeed the Act of Union had left alive the Parliaments of England and of Scotland, though for one purpose only, namely, to modify, when necessary, the Act of Union, and had conferred upon the Parliament of Great Britain authority to pass any law whatever which did not infringe upon or repeal the Act of Union, then the Act of Union would have been a fundamental law, unchangeable legally by the British Parliament; but in this case the Parliament of Great Britain would have been, not a sovereign, but a subordinate, legislature, and the ultimate sovereign body, in the technical sense of that term, would have been the two Parliaments of England and of Scotland respectively."—Dicey's *Law of the Constitution*, third edition, p. 65, note. Within recent years, a far more unequivocal breach of the Union than the restoration of patronage has been effected by the Act which exempts all but theological professors in the Universities from the obligation to subscribe the Confession of Faith.—Innes's *Law of Creeds in Scotland*, p. 122.

² Macaulay's *History of England*, chap. xiii.

tortured as a Whig conspirator in 1683, so his conduct, from the day when he landed with the Prince of Orange to his death, affords continuous evidence of the second. Throughout the reign of William he wielded an influence which gained for him the nickname of the Cardinal, and which his enemies did not much exaggerate when they described it as universal and "uncontrolled";¹ and this influence was so far from being that of a mere favourite that, after the death of his patron, Queen Anne retained him as one of the royal chaplains, the great nobles who had courted his favour² now solicited his advice, and the Church thrice elected him to the Moderator's chair. Nothing but the greatest self-repression and tact could have enabled him to maintain such a position at the cost of exciting so little ill-will; and it is due to his possession of these qualities, as well as to the necessity imposed upon him as a Presbyterian minister of sacrificing the semblance to the reality of power, that his figure, large as it is in the eyes of posterity, is yet so shadowy and indistinct. Historically, indeed, during the most important part of his career, Carstares is little more than an abstraction, an oracle hidden from view in the innermost recesses of the Court, the extent of whose power we can only conjecture from our consciousness that there was an influence at work—a subtle and elusive influence—making for conciliation and restraint; and this

¹ *The State of Scotland under the Past and Present Administration*, 1703, p. 15.

² Queensberry as Lord High Commissioner writes thus to Carstares on June 20, 1700: "You need not make my wife and me any compliments for our civility; you have deserved better things of us both than we have yet in our power to pay you. When we shall have done you any service, we shall not decline your thanks; till then, assure yourself that nothing but an opportunity is wanting to shew our just sense of your kindness."—*Carstares State Papers*, p. 537.

impression is strengthened by the fact that, whilst hundreds of political letters are addressed to him, we possess hardly any of his replies.

Not over scrupulous in his methods, Carstares was marvellously cautious, patient and unambitious in his aims. As chaplain to King William, he was the moving spirit of a very corrupt administration; he employed spies; he gave and withheld pensions; and Queensberry could tell him without misgiving that he had spent £500 in bribing members of Parliament, and that still larger demands must be made on "his Majesty's cash."¹ In his attitude towards the Union, of which he was accounted a sure friend, he took the prudent course of humouring the hostility of the Church in the hope of securing such an influence as should keep it within bounds. His friends in London were relieved to find that he was one of the ministers—there were only three—who voted against the second address;² but he was so far from supporting the elders who protested against it, that he helped to prepare the memorial which embodied all but one of its demands; and he even concurred in the third address against the blank ratification in favour of the English Church.³ M'Cormick, his biographer and grand-nephew, tells us that he tried to dissuade the magistrates of Edinburgh from contesting the appeal of Greenshields to the House of Lords; but he advised Queen Anne to prohibit the use of the liturgy by English regiments in Scotland; he opposed the Toleration Bill on religious as well as on political grounds; and he even objected to it that its provisions against blasphemy were not so strict as those of the statute under which Aikenhead had been

¹ *State Papers*, pp. 638, 639.

² *Ibid.* p. 754.

³ *Assembly Commission Records*, MSS.—Dec. 11, Jan. 16, 1706-7.

hanged.¹ Little can be said for such a policy except that it succeeded where more heroic measures would almost certainly have failed. In Scotland, little less than in England, where Burke described it as "a revolution not made but prevented," the movement of 1688 was essentially conservative, its object being, not to recast old institutions, but to adapt them to new conditions. In Carstares who preferred to guide rather than to thwart, and who in yielding to the current of popular feeling seldom failed to deflect its course, such a movement found its natural leader; and under his skilful guidance, responding to the breath of a new epoch, the Church of Scotland had glided far from its moorings before it had become apparent to any but a few anxious spirits that the old landmarks were fading from view.²

¹ *The Scots Toleration Argued*, p. 39.

² M'Cormick has preserved several incidents illustrating Carstares' liberality and kindness of heart. Two Episcopal clergymen whom he had privately supported followed him in tears to the grave.

CHAPTER VI

THE CHURCH AND DISSENT, 1712-1740

THE history of the Church of Scotland from the middle of the seventeenth to the middle of the eighteenth century may be described as that of the decline of fanaticism under a succession of powerful forces operating from without. Such a force were the victories of Cromwell which overthrew the ascendancy of the zealots; such—if we look to their ultimate effect—were the persecutions of Charles II.; such was the constructive statesmanship of William; such was the Darien agitation; such was the Union; and such, as in some measure we have already seen, were the new conditions which the Union introduced. In so far as its effect can be traced in the speculative as well as in the practical sphere, this course of discipline tended rather to a loosening than to a disturbance of belief; but in the quiet years which succeeded the Revolution the Church was alarmed from time to time by incursions of the sceptical spirit; and one of these occurred at a very early stage, and was attended by deplorable results.

Hitherto, with some slight and transient exceptions, Scotland had maintained a monotonous uniformity of

doctrinal type. In the reign of Charles I. some of the Laudian divines had imitated their master in tempering sacerdotalism with considerable liberality of creed. Bishop Maxwell who denounced the lay eldership as a "sacrilegious intrusion upon sacred Orders"¹ refused to believe in the damnation of virtuous pagans; Bishop Wedderburn was an avowed Arminian; and a minister deposed by the Glasgow Assembly of 1638 repudiated predestination as "a damnable doctrine," and declared that the differences which divided the various Christian bodies were "but a mouthful of moonshine." These vagaries, however, passed away with the hierarchy which had given them birth; and Scottish orthodoxy, after shivering on the edge of the "boundless toleration" which threatened to engulf it in the days of Cromwell, slumbered on in peace till it was startled for a moment by the benign tolerance of Leighton, whose indifference to the prevailing ecclesiastical disputes, which he once called "a drunken scuffle in the dark," caused it to be suspected that he was equally liberal in matters of faith.

The heresy which reared its head after the Revolution was of a less impalpable kind. During the brief primacy (1691-1694) of Archbishop Tillotson, whose latitudinarianism, colder and more practical than that of Hales and Chillingworth, was to dominate English theology for the next sixty years, a controversy had arisen in the Church of England rather as to the nature and operation than as to the existence of the Trinity; and this controversy widened and developed into a question of the rival claims of natural and revealed religion, when John Toland, a young Irishman, who on his way to Leyden and Oxford had studied at

¹ See p. 7.

Glasgow and graduated at Edinburgh, published in 1696 his *Christianity not Mysteriorious*. The panic caused by this treatise, which was presented by the grand jury of Middlesex and burned at Dublin by the Irish House of Commons,¹ must be ascribed to the fact that it focussed a mass of rationalist opinion, the spread of which had for some time been exciting alarm. In 1695 the Scottish Parliament had ratified an Act passed in 1649, and re-enacted at the Restoration, making blasphemy a capital offence: in January, 1696, the General Assembly had issued a warning against what it gravely called "the atheistical opinions of the Deists"; and, some months later, a youth named Thomas Aikenhead was apprehended at Edinburgh for denying and reviling Christianity, and, proving obstinate, was brought to trial. The Act against blasphemy, hitherto almost a dead letter,² was now enforced; and under this statute Aikenhead was not only convicted and sentenced, but on January 8, 1697, was actually hanged.

That such an execution should have taken place at Edinburgh at a time when the clergy, though shorn of their political power, were still absolute rulers in matters of faith, is a fact sufficient of itself to stain indelibly the reputation of the Scottish Church; but the details of the tragedy reveal such a tale of cruelty and injustice as can be paralleled only in the blood-stained records of witch-persecution—if even in these. The victim, an upright and hard-working student, was only twenty; he was denied the benefit of counsel; all

¹ Hunt's *Religious thought in England*, ii. 243-244.

² The only prosecution hitherto attempted under the Act appears to have been that of a man who had forsaken Christianity for Judaism, and who in 1681, as he did not appear for trial, was outlawed.—*State Trials*, xiii. 939.

the four witnesses against him were minors, except one; and that witness, his senior by a single year, whose statement that he had heard him curse Christ and declare him an impostor, was the only evidence in support of the capital charge, had not only given him the books which subverted his faith, but, when he was in prison awaiting trial, had published some doggerel lines in which he exhorted "God's deputies" to "atone with blood the affronts of Heaven's offended throne." Aikenhead had tried to avert the proceedings against him by a denial, or at all events a palliation, of guilt; after his conviction, though he had made a full confession and professed his penitence, he pleaded in vain, not for pardon, but for a short reprieve; and two Lords of Session, Anstruther and Fountainhall, who approached the Privy Council on his behalf, were told that nothing could be done unless the ministers should intercede, which, according to Lord Anstruther, the ministers were so far from doing that they "spoke and preached for cutting him off." At the last moment, indeed, two of their number petitioned for mercy, but the Council, influenced no doubt by the attitude of their brethren, refused to interfere. In order to complete the disgrace of the Church, it requires only to be said that the General Assembly was sitting at the time; that, two days before the execution, in answering the King's letter, it petitioned for the vigorous enforcement of the laws against impiety and profanity "as that which will highly tend to the exalting of the glory of God"; and that, six days after the execution, it ratified the Act of the preceding Assembly against the Deists.¹

¹ *State Trials*, xiii. 918-939; Chambers' *Domestic Annals*, iii. 160-166; Gordon's *Thomas Aikenhead: A Historical Review in relation to Mr.*

The prosecution of Aikenhead suggests what has been said of the way in which Pitt combated the germs of the French Revolution in England, that it "was like using a sledge-hammer to crush a wasp"; and the ministers who had applauded the destruction of infidelity as represented by a penitent stripling were not likely to show much forbearance when some of their own number attempted to loosen the shackles of an iron-bound creed. At the opening of the eighteenth century the ecclesiastical authorities were alarmed to find that the writings of Antoinette Bourignon were being disseminated, especially amongst the Episcopalians of Aberdeen. In 1701 Dr. George Garden, an ejected prelatist, was deposed—a sentence to which he paid no regard—for having published a book in her defence, which the Assembly pronounced to be "a mass of dangerous, impious, blasphemous, and damnable errors"; and an Act was passed recommending synods and presbyteries to use all diligence in suppressing such errors, and to consider whether any of them could be brought within the statute which, four years ago, had been so ruthlessly enforced. In 1706 James Allan, Presbyterian minister of Rothes, was deposed for failing to clear himself of this taint; and in 1709 and 1710 two additional Acts were passed for the suppression of Bourignonism which was said to be very prevalent in several synods.¹

The writings of this French mystic may not have

Macaulay and the 'Witness'; Acts of Assembly, 1697, pp. 7, 27. It is significant that in the year 1856 Gordon, a Unitarian minister, could not get an Edinburgh publisher to issue his tract.

¹ *Acts of Assembly, 1701, pp. 16, 17; 1709, p. 20; 1710, pp. 10-11; Grub, vol. iii.; Christian Instructor, xxx. 397-401. Bourignonism is one of the heresies which ministers of the Church of Scotland have still to disown at their ordination.*

been very profitable in so far as they tended to foster seclusion, to depreciate learning, and to resolve religion into a species of spiritual debauch; but in Scotland, where dogmatic teaching was of an unusually hideous type, they served a useful purpose, and must be regarded as having revived the protest of the Laudian or "Canterburian" divines against the horrors of the Calvinistic faith. That such was their tendency is evident from what we know of the proceedings against the two ministers. The Assembly in condemning Garden's book found that it denied "the permission of sin and the infliction of damnation and vengeance"; that it both denied and aspersed the decrees of election and reprobation; and that it ascribed to man "some infinite faculty whereby he may unite himself to God." Allan, the minister of Rothes, was deposed for refusing to acknowledge the Westminster Confession as the statement of his personal belief, and for omitting to mention it at the administration of baptism. The points at which he chiefly stumbled were the doctrines laid down as to reprobation and the fate of the heathen. In his published *Letter* he said he failed to see how it could contribute to one's salvation to believe that "the greatest part of mankind" is fore-ordained to everlasting death; he declared that men might show a Christian spirit who had never heard of Christ; and he quoted with approval the excellent words of Baxter: "Those overdoing divines who pretend to be certain that all the world are damned that are not Christians do add to God's Word and are great agents for Satan, to tempt men to infidelity and to atheism itself."¹

¹ *A Letter to the Moderator of the next General Assembly against the Imposing of the Westminster Confession as Terms of Ministerial Communion*, pp. 24, 32-34.

The asceticism and seclusion of its votaries,¹ and the fact that most of them were Episcopalians, had probably, however, more to do with the condemnation of Bourignonism than its laxity of belief; for, in so far as it illustrated the Baconian maxim that it is "better to have no opinion at all of God than such an opinion as is unworthy of Him," it merely anticipated the influx of that liberal theology which was rising to predominance in England amongst the Presbyterians no less than within the Church. In the Assembly of 1714 Webster, one of the ministers of Edinburgh,² brought a charge of heresy against John Simson, Professor of Divinity at Glasgow, who, he said, had been teaching Arminianism to his students for some six years. Two inferior courts had refused to receive the complaint; and the Assembly, instead of taking up the charge, as its author expected, or at all events of ordering the Presbytery of Glasgow to take it up, directed Webster in his private capacity to prosecute or "libel" the Professor before that court. This Webster did; and the process, after drifting through two Assemblies, was determined by the Assembly of 1717, which, finding that Simson had broached some opinions of a useless and contentious kind, and that, in order to meet the objections of adversaries, he had adopted hypotheses too favourable to nature and reason, admonished him to abstain in future from such causes of offence.

¹"One of my brethren told me that I was suspected to be a Bourignonist because (as he said) I did not take my diet as formerly, but went out to the hills all the day."—Allan's *Letter*, cited above, p. 14. The writer admits that his seclusion was the first cause of offence.

²"Over-orthodox and as great a bigot as any in the country."—Calamy's *Life*, ii. 161.

The charges proved against Simson were sufficiently serious to draw attention to the mildness of this rebuke. He had, indeed, taken considerable liberties with what he called "that excellent sum of the doctrine of the Gospel," the Westminster Confession of Faith. According to this document, Adam as the federal representative of the human race had determined its fate once and for all by violating that unfortunate covenant which he and the Deity had contracted with regard to the forbidden fruit. A vicarious sacrifice had indeed been offered; but the power to avail themselves of this expiation was to be communicated to only a few of the minority to whom it had been made known; and these were to be saved to show that God was merciful, as the rest were to be damned to show that He was just.¹ Simson, conceiving that God could never have prejudiced humanity by treating on its behalf with so weak a vessel, rejected this idea of Adam as a "federal head"; and, as he dissented from the Calvinists in their fundamental assumption, it is not surprising that he arrived at less unpleasant results. He held that there was no natural inability in man to seek saving grace; that the heathen had a glimmering of gospel truth, and would be lost only if they rejected this "obscure discovery and offer"; that the soul was created pure and became corrupt only when united to the body inherited from Adam; that, as all who died in infancy would probably be saved, the elect might be expected to outnumber the damned; that a desire

¹The ruthless logic of Calvinism is no doubt the secret of its intellectual growth. Men who could face such conclusions were likely, once their faith had been shaken, to be fearless enough in pursuit of truth; but their faith was not easy to shake, for Calvinism, though in a sense the most rational of theological systems, is yet the most intolerant of reason.

to promote our own happiness should be our chief motive in serving God; and that punishment must be eternal, not as a tribute to God's offended majesty, but because no lighter penalty—since even this was not enough—could deter from sin.¹

Such doctrine was very unpalatable to those who had persuaded themselves that in vilifying the creature they exalted the Creator; and the decision in Simson's case was the more significant because it occurred at a time when these people were attempting to propagate, or at all events to vindicate, their views. A contest was thus inevitable; and a glance at the state of religious affairs in England and Ireland will enable us to account for the form in which it arose.

Soon after the Revolution, a dispute was occasioned amongst the English Dissenters by the republication of the sermons of Dr. Crisp, an Antinomian divine who had died in 1642. The work was recommended by twelve nonconformist ministers, some of whom were not Antinomians; and the question it raised was whether a man believed instinctively because he was justified, or whether he was justified on condition that he believed. Those who took the latter view, the chief of whom were Baxter and Williams, were called Neonomians, owing to their insistence on faith as a new law, distinct from the law of works; and they very naturally denounced their opponents, the most prominent of whom was Trail, as disciples of Crisp. The controversy was not quite so trivial as it looked; for

¹ Libel and Answers—Adv. Libr. Pamphlets, Second Series, 246; Gib's *Display of the Secession Testimony*, i. 99-107. There seems to have been a humbler heretic in Edinburgh in 1713 of the name of Yool—*Wodrow Correspondence*, i. 493.

the Neonomians, who allowed some scope to reason, were on the road to rationalism—a road which was closed to those who regarded faith as a supernatural gift. Neonomianism was strongly favoured by the Presbyterians, and within a few years led to their separation from the Independents, whom they had joined in 1691. About 1717, the year in which Simson was censured, Arianism, which proved to be the forerunner of Unitarianism, took root amongst the Presbyterians, especially at Exeter, as it had already taken root in the Church; and the great majority of their ministers, whilst repudiating Arianism, gave a proof of their liberality by refusing to subscribe the doctrinal standards, apparently on the principle of Chillingworth, that nothing but the actual words of Scripture should be made a test of belief. The Presbyterians of Ulster appear to have taken no part in the Antinomian dispute, and as late as 1716 they had proposed the Westminster Confession as a basis of toleration; but they were soon permeated, though less completely than their English brethren, by the latitudinarian spirit. In 1705 an association was formed, known as the Belfast Society, which became so influential that in seven years it gave five Moderators to the Synod, and the members of which insisted that conduct was more important than dogma, that honest doubt or error could never be a crime, and that candidates for the ministry should not be required to declare their assent to any human standard of belief. In 1721 the Synod passed a resolution asserting the supreme deity of Christ; and, though the ministers who belonged to the Society repelled the imputation of Arianism, their refusal to sign either this resolution or the Confession of Faith occasioned a keen

controversy, and resulted, five years later, in an open breach.¹

We have seen that the genial influence of this intellectual spring had extended to the Scottish as well as to the English and Irish shores, and that the Scottish Church, so long ice-bound in orthodoxy, was beginning to shake itself free. As the writings of Baxter, Williams and Trail, the last of whom had suffered as a Covenanter before the Revolution,² were widely read in Scotland, the Antinomian controversy could not fail to be waged there; and the first shots—so to speak—had been exchanged several years before Simson was accused. In a treatise published as early as 1706 Hog of Carnock had upheld the involuntary nature of faith; and in 1710, a manuscript catechism in which Hamilton of Airth, another minister, inculcated the same view having been shown to some of its members, the General Assembly passed an Act, forbidding any expression of opinion contrary to the Confession and providing that no minister should print or disperse any catechism without the permission of his presbytery, which, before sanctioning such a work, was to consult the Commission. Hamilton, however, published his catechism in 1714; and the controversy, eclipsed for a time by the Simson case, broke forth anew just as that lengthy process was brought to a close. On the very day on which the Assembly administered its mild rebuke to Simson it

¹ Hunt's *Religious Thought in England*, i. 249-253; ii. 313; iii. 226-231; Lecky's *History of England*, iii. 20-22; Calamy's *Life*, ii. 402-418; *Christian Instructor*, xxx. 541; Reid's *Presbyterian Church in Ireland*, iii. 206, 234-236, 239, 259, 325.

² He had fled to Holland in 1667 after the Pentland Rising, and, ten years later, had been imprisoned for three months in the Bass.—Trail's *Works* (Free Church Reprints), pp. vii. viii.

condemned "as unsound and most detestable" a proposition, assent to which had been required of a candidate for license by the Presbytery of Auchterarder: "I believe that it is not sound and orthodox to teach that we must forsake sin in order to our coming to Christ." This statement, which became notorious even in London as "the Auchterarder creed," though not intended to be Antinomian, might easily be interpreted in that sense; but the real question was not what form of doctrine prevailed at Auchterarder, but whether presbyteries were to be allowed to determine the controversy now in progress by shutting the door of the ministry on all who did not take the Evangelical side. The Assembly showed its consciousness of this by forbidding presbyteries to require subscription to any formulas not authorised by the Church; and the minority, having failed in their intended proscription, were reduced to propagate their theology by less arbitrary means.¹

We have seen that the controversy about faith and morals had arisen in England from the republication of Crisp's Antinomian sermons, and it was now to be intensified in Scotland by the republication of a somewhat similar book. Fisher's *Marrow of Modern Divinity*, the work of an English Independent, had appeared in 1646. It had gone through nine or ten editions without provoking any serious dispute; but one writer had, it seems, attacked it soon after its publication as favourable to the Antinomianism which it professed to oppose;² and its advocates admitted that it contained several dubious or extravagant expressions, such as that a believer has no cause to lament or crave

¹ *Christian Instructor*, xxx. 542; Boston's *Memoirs* (1776), p. 330; Wodrow, ii. 267-270; *Acts of Assembly*, 1717.

² Hadow's *Antinomianism of the Marrow Detected*, p. 6.

pardon for his faults, and that God will "not love you ever a whit the less, though you commit never so many and so great sins."¹ When the first, and much the larger, part of this work² was published in 1718 with a preface by Hog, to whom and others it had been recommended by Boston, Principal Hadow of St. Andrews severely criticised it in a sermon to the Synod of Fife; and in the Assembly of 1719 it was complained of as unsound and remitted for judgment to the Commission. A committee of this body examined the "Marrowmen," as Hog and his friends were called, whilst a sub-committee was considering their book; and, the Commission having made an unfavourable report, the Assembly of 1720 condemned the *Marrow* as heretical in five several points, and required all ministers, not only to abstain from recommending it, but to warn their people against its use. The Marrowmen, in defence of what they called "a bundle of sweet and pleasant Gospel truths," drew up a representation;³ but the Assembly of 1722 censured them for contumacy, re-affirmed the former decision, and refused to receive a protest in which they declared their inability to comply with the Act.⁴

This affair had little direct influence on the growth of liberal opinions, for it was primarily a contest between the zealous and the more cautious Evangelicals, in

¹ Hadow's *Antinomianism of the Marrow Detected*, p. 16.

² Had the work been published in full, it would have been seen that the second part professed to vindicate the moral law.

³ It is given in full by Struthers, *History of Scotland*, i. 498.

⁴ A minute and exhaustive account of the *Marrow* controversy is given by McCrie in the *Christian Instructor* for 1831 and 1832. Boston, who "received the rebuke and admonition as an ornament," notices that the meeting of the Assembly at three in the afternoon "for that black work" was delayed by a severe thunderstorm. "I well remember with

which the Moderates appeared only as allies of the latter. Principal Hadow, the most determined opponent of Simson, not only took the lead in writing and preaching against the *Marrow*, but is said to have drafted the Act by which it was condemned;¹ and his party seem to have interpreted their Calvinism in a severer and more literal sense than that of Hog. One of the charges against the *Marrow* was that it favoured the tenet of universal redemption; and Ebenezer Erskine, who drew up the representation in defence of the book, was wont, without discarding the doctrine of election, to minimise it in practice, and to call upon his hearers to set it aside as a "matter with which they had no more concern than with what men are doing in Mexico and Peru."² Little credit is due to either side for its management of the dispute. The attempt of the majority to suppress the *Marrow* was so far from successful that a new and complete edition was published by Boston in 1727, and it was too much akin to the contention of their opponents in the case of "the Auchterarder creed" that none but Evangelicals should be licensed to preach. On the other hand, men who had applauded such an assertion of power by a single presbytery might have been expected to show more respect to the authority of the Church.

Whilst, however, the *Marrow* was both censured and defended on strictly evangelical grounds, the fact that they were at liberty to denounce it as Antinomian

what serenity of mind and comfort of heart I heard the thunder of that day, the most terrible thunderclap being just about three o'clock. It made impression on many as Heaven's testimony against their deed they were then about to do; though in this it is not for me to determine." *Memoirs*, pp. 379-380. This portent was obviously susceptible of a very different interpretation.

¹ Wodrow, ii. 532, note.

² MacEwen's *Erskines*, p. 38.

must have been a great relief to many ministers who had lost all enthusiasm, if they ever had any, for the doctrine of free grace; and the growing influence of this party became apparent, a few years later, when the Glasgow heresiarch was again brought to trial. At the meeting of the General Assembly in 1726 it was found that several presbyteries had instructed their representatives to propose that an inquiry should be made into the truth of certain rumours affecting the soundness of Professor Simson's teaching with regard to the Trinity; and a committee was appointed to concur with the Presbytery of Glasgow in testing these rumours, and in ascertaining how far the Professor had complied with the injunctions laid upon him in 1717. Simson denied the errors attributed to him, and, after exasperating his accusers by leading them through trackless labyrinths of metaphysical subtlety and evasion, he submitted what was considered a perfectly orthodox profession of faith; but it was proved to the satisfaction of two exhausted Assemblies that he had inculcated Arianism or Semi-Arianism, that "too too epidemick disease of our neighbours,"¹ the apprehension of which had given rise to a suggestion in 1720 that the Assembly should assert the supreme Godhead of Christ.² In other words, he had so far departed from the orthodox conception of the Trinity as to teach that the three Persons were not numerically one, that the Son was not necessarily existent,³ and that the term

¹ *The Method of proceeding by Queries vindicated*, p. 4.

² Wodrow, iii. 235, note.

³ "He owns in conversation that he does not think the Son's Independency, his Self-Existence, and Self-Origination, consistent with his being begotten."—Wodrow, iii. 235. Simson's maxim, *Ratio est principium et fundamentum theologiae*, was calculated to make considerable havoc of the Athanasian creed.

supreme deity might be used in a sense which applied only to the Father, and not to the Son. Doctrine very similar to this—at all events as interpreted by Clarke, who, like Simson, refused to call himself an Arian—was allowed to pass muster in the Church of England; and it would seem to be a much more serious infraction of ecclesiastical law that the Professor had persisted in inculcating all the tenets for which he was censured in 1717, and that, in defending them, he had constantly referred to his writings against Webster.

The Assembly of 1727, as a provisional measure, suspended Simson; but the next Assembly was so much divided as to what the final sentence should be that it remitted the whole process to presbyteries, and left it to be determined by their representatives in the Assembly of 1729. The controversy was thus referred to a popular vote, and its echoes resounded in the press. On the one hand, it was declared, not only that Simson's errors were the most serious that had been broached in Scotland since the Reformation—which they might very easily have been—but that they were "gross and damnable"; that he had so degraded and restricted the divinity of Christ as to make Him practically "no God at all"; that he had afflicted "the godly" with great "heaviness of heart"; and that, though his penitence might save him from excommunication—which, however, some had advocated—he ought certainly to be deposed. Ministers who favoured Simson were told that they would be deserted by their flocks; and "illiterate pious Christians" were alarmed by absurd and malicious tales, such as that the Professor maintained that women had no souls, or that jealousy of "King Jesus" would secure for him the protection of the Crown. In several presbyteries the lay members

drew up a petition to their clerical brethren, exhorting them to declare for deposition; for "the truly godly"—to quote one of their own number—claimed "to know the mysteries of the Kingdom of Heaven even though they be but babes when compared with many of the wise and prudent from whom they are hid."¹ On the other hand, Simson had many able friends, such as Principals Wishart and Chalmers and Professor Hamilton, who had defended him in the late Assemblies, asserting that all that been proved against him were some unguarded expressions which had probably been misunderstood, and who had gained great applause from the English Non-Subscribers by condemning as inquisitorial the putting to him of a series of queries as to his private belief.² Wishart, in a vigorous pamphlet, exposed the fanatical character of the agitation, maintained the Professor's innocence, and insisted that his suspension should be "taken off." When the Assembly met in 1729, it was found that only four presbyteries advocated this course, that 20 were for suspension, and 28 for deposition; and, as a compromise between the two degrees of censure, which threatened to cause a schism, it was resolved merely to suspend the Professor, but at the same time to issue a recommendation that he should not be further employed as a theological teacher.³

¹ *An Alarm to the Church of Scotland . . . against Error*, pp. 3, 4, 7, 9, 18, 19; *A Short and Impartial State of the Case* (Wishart), pp. 37, 39, 42.

² Wodrow, iii. 275.

³ *The Case of Mr. John Simson*, with supplement and other papers—an enormous pamphlet. Wodrow's copious but pointless report of the Assembly debates is well summarised by Cunningham. Few sentences issued by an ecclesiastical court have been the subject of more anxious deliberation than that passed on Simson; yet Burton (viii. 399-400) says, "There seems to have been no ultimate decision for or against him."

The doctrinal disputes, whose history we have now traced, were to result in a secession from the Church; but other causes of a similar tendency had long been at work; and, as the subject of Episcopal nonconformity has been dealt with in the preceding chapter, it will be convenient at this stage to review the progress of Presbyterian dissent.

This movement takes us back in unbroken sequence to the suspension of the Act of Classes after the battle of Dunbar¹; for, though the Protesters as a body concurred in the re-establishment of Presbytery after the Revolution, the little group known as Cameronians disowned William as an uncovenanted king and refused to acknowledge the new Government either in Church or State. The three persons whom they recognised as ministers were, indeed, received into communion by the Assembly of 1690; but in 1706 they were joined by Macmillan of Balmaghie, a minister whose sympathy with their tenets had caused him to be deposed, and soon afterwards by a preacher named Macneil. In alliance with the Cameronians, there was another body of avowed dissenters, headed by John Hepburn,² who agreed with them in everything but their repudiation of the civil power; and, whilst the first of these sects was testifying against the defections of the time, and especially against what Macmillan and Macneil, in a private remonstrance of their own, called "the infidel terms of the late God-provoking, religion-destroying, and land-ruining

¹ See p. 9.

² Hepburn's parish in Kirkcudbright bore the scriptural appellation of Urr, and his followers were known as "Hebronites"—a corruption of his own name. He and Macmillan were wont to exchange pulpits.—*Acts of Assembly*, 1704, p. 20. A full account of both will be found in Struthers, i. 56-90.

Union,"¹ many ministers and laymen were bewailing the decline of theocratic pretensions, the doctrinal laxity of the Church, and its Laodicean tone.

We have seen that in 1722 and in 1729, on the occasion of the *Marrow* controversy and of the second Simson case, these people were not far from revolt; but there was an earlier and more legitimate grievance which had distressed them still more. Scottish Presbyterians naturally thought it hard that they should be required to promote, as they believed, the exclusion of all but English Churchmen from the British throne, and that this obligation should be imposed upon them contrary to the Union, and as part of a legal toleration for Episcopalians to which they were violently opposed; and the grievance was not wholly removed when the abjuration oath in 1715, and more completely in 1719,² was altered in such a way as to exclude the oblique reference to the English Church; for the stricter Presbyterians believed that they could not swear allegiance without "homologating" such iniquitous institutions as the Union, toleration and patronage. About a third of the ministry refused to take the oath;³ and, though the Government, much to their surprise, left them entirely undisturbed, and the Assembly exhorted both sides to mutual forbearance, the dissension in some districts amounted to an open schism. In the south and south-west, where the oath was extremely unpopular, some of the Nonjurant ministers not only refused to sit with the majority

¹ Struthers, i. 71, note.

² In 1715 the *as* was turned into *which* (see p. 204, note), and the intention was disclaimed of imposing any obligation inimical to the Scottish Church. In the oath as re-imposed in 1719 there was no reference at all to the Act of Settlement.—*Statutes at Large*, v. 32, 34, 238.

³ *Spalding Miscellany*, i. 247; Boston, p. 282.

in presbyteries and synods, but even invaded their parishes and administered baptism and marriage to their mutinous flocks;¹ the communions of the "clear brethren," as Wodrow calls those who had no scruple, were sparsely attended, whilst those of the "unclear" were resorted to by great crowds; one minister debarred from the sacrament all who had taken the oath, and others publicly denounced them, asserting that they had buried both the Reformation and the Covenant, and dethroned Christ in favour of Queen Anne.²

Whilst the wound inflicted on the Church by the abjuration oath was being kept open by the controversies which raged round the *Marrow* and Professor Simson, a new source of dissension was gradually developing, which was to prove the most serious of all. We have seen that the rights of patrons had been restored to them by an Act of the British Parliament in 1712; but that Act, the fruit of Jacobite intrigues, was extremely unpopular, and its effects were little felt for thirty or even for forty years.³ By the third section of the Act, if the patron did not present a qualified minister within six months, the right of presentation "for that time" was to devolve on the presbytery; and, as 550 out of 950 livings were in

¹ *Acts of Assembly*, 1714, p. 11.

² Wodrow, i. 340, 351.

³ If one may judge from a glance through some dozen presbyteries in the *Fasti Ecclesiae Scoticae*, presentations were very rare before 1735, and did not come into general use till the middle of the century except in East Lothian, where most of the parishes—for example all but two in the Presbytery of Haddington—seem to have been peaceably filled up under the Act of 1712 as soon as they became vacant. The latitudinarian influence of Leighton and Burnet, of Scougal and Charteris, seems to have lingered long in that district.

the gift of the Crown,¹ and as the royal patronage was controlled at first by Harley, the friend of Carstares, and, after the accession of George I., by the Whigs, it is not surprising that in the great majority of cases the *jus devolutum* was allowed to come into force, and that the area of its operation was soon considerably enlarged. The few patrons who sought to exercise their rights sometimes attempted to delay a settlement, either because they were Episcopalians and unfriendly to the Church, or because they wanted to retain the stipend; and, in order to prevent a practice which some of them had adopted of presenting ministers who had not taken the oaths² or who held better livings, it was enacted in 1719 that the expiry of the six months allowed to the patron should not be checked if he presented a minister not legally qualified, or who was the pastor of another parish, or who was not willing to accept.³ It is said that for several years after the passing of this Act no minister dared to outrage public opinion by making use of a presentation; and it was even proposed in the Assembly—without regard to the conflict with the civil power which such a course must have entailed—that none should be licensed or ordained who were prepared to comply with the unpopular law.⁴

The practical unanimity which prevailed in opposition to patronage was not marred for some time by any

¹ Hutcheson's *Considerations on Patronage*, 1735, p. 24. Patronages belonging to bishoprics had been annexed to the Crown in 1712, and the Crown also held the patronages forfeited after the Rebellion of 1715.

² These, of course, would not be qualified in terms of the Acts of 1693 and 1712; but we have seen that one at least of the oaths was not enforced.

³ *Statutes at Large*, v. 239.

⁴ Willison's *Testimony*, p. 48; Petition to Assembly in Struthers, i. 603, note.

serious dispute as to what should be put in its place. We have seen that, when patronage was suspended during the Interregnum and during the 22 years which succeeded the Revolution, the minister was chosen throughout the first period by the elders, and throughout the second by the elders and heritors or by the elders and magistrates; and it is remarkable that the latter system, though the less democratic, was accepted without demur during the reigns of William and Anne, and was even defended in pamphlets and petitions as settling "the call of ministers upon the foot of a free apostolical election."¹ The same rule continued to be observed with little variation for some dozen years after patronage had been nominally restored. Overtures during this period were transmitted by the Assembly to presbyteries with regard to the method to be adopted in filling vacant parishes, and these, whilst betraying a growing disposition to consult the wishes of the people, conformed in the main to what had been the practice before 1712. About the year 1725, however, when the overtures had been discontinued without leading to any definite result, a new principle began to be avowed;² for the Covenanting tradition was

¹ *Papers against the Scots Toleration and Patronage*, 1712, p. 61. It seems never to have occurred to writers against patronage either in 1703 or in 1712 that the Act of 1690 might be represented as inconsistent with the "divine right of the popular election of pastors." The Act is said to have been very liberally interpreted—Willison, p. 72; but, if so, it is difficult to account for the general impression (see above, p. 209) that the right of presentation had merely been transferred from the patrons to the heritors and elders.

² Moncreiff Wellwood's *Life of Dr. John Erskine*, pp. 435, 440. This writer says that overtures were transmitted from 1712 to 1723; but an overture printed at the end of the *Acts of Assembly*, 1719, seems to imply that no such proposal had been made since 1711. According to this overture, the elders were to try the inclinations of the heads of families;

strengthening its hold on the lower classes of the laity in proportion as the younger and more liberal ministers showed a tendency to shake it off; and the people, in order to arrest what they called the defections of the Church, were determined to assert their power. The zeal of their parishioners had long, indeed, been a source of embarrassment even to pastors of the old and approved type. Wodrow in 1712 complained that there was little respect for the ministerial office, that there was "a general suspicion and jealousy of ministers"; and he blamed some of his brethren for having "taught the people to bear rule over them." Boston tells us in his *Memoirs* that, as he did not separate from the compliant majority, he gained little credit with his people for refusing to take the abjuration oath; and another recusant minister, who insisted on attending a Jurant communion, was threatened with violence, and was in danger of being stoned.¹ Yielding the more readily to such pressure as they found themselves losing ground in the Church courts, the Evangelicals claimed an influence for the people in the election of their pastors which they had not enjoyed under the two previous suspensions of patronage, and which, if conceded as their due in the First Book of Discipline, had been withdrawn in the Second. From 1690 to 1712 the right of the Christian people to choose their own pastor had meant that the pastor should be proposed for their acceptance by the heritors and elders; but a party now objected to the intrusion of persons who had no ecclesiastical status, and was

but the presbytery was not to proceed to a settlement unless a majority of heritors (without mention of elders) concurred. See also *Modern Erastianism Unveiled*, 1732, appendix, pp. 43-45.

¹ Wodrow, i. 260, 351; Boston, p. 282.

rapidly advancing to the position that the congregation should both call and elect. Both of these points were fully discussed in 1725 when the Assembly reviewed the action of the Synod of Aberdeen in setting aside a call to St. Machar's Cathedral from the magistrates and elders in favour of one from the elders alone. It was referred to the Commission to "moderate" a new call; and the Commission, though their decision was not reversed, were censured by the next Assembly for having settled Chalmers, the magistrates' candidate, without due regard to the wishes of the people. They had appointed some of their number to act with such members of the presbytery as were willing to concur; and we have here probably the first instance of a "riding committee," that is, of a committee whose function it was to ordain the choice of the heritors, or, as in this case, of the magistrates, by *overriding* the opposition of the local courts.¹

Whatever may have been the spiritual discernment of heritors, they were decidedly more favourable than the peasantry to liberal ideas; and, as Moderatism was now dominant at the Universities, except perhaps under Principal Hadow at St. Andrews, every year was marked by a growing reluctance to admit the popular claims. The Assembly of 1730 had to deal with twelve cases of alleged intrusion, all of which seem to have been upheld; and the attempt of a few members to protest against one of these—that of Hutton in Berwickshire—gave rise to an Act that henceforth no reasons of dissent should be entered on the record. Next year a fresh

¹ Wodrow, iii. 197-199, 249-256. Wodrow refers to the Commission's "joining correspondents with the Presbytery in settling of Mr. Chalmers." This was in 1726—three years earlier than the first instance mentioned by Moncreiff Wellwood and adopted by M'Kerrow.

attempt was made to establish a definite rule for the election of pastors, and an overture on this subject was transmitted to presbyteries, with an intimation that, if they did not make known their opinions, the next Assembly should be at liberty, if it pleased, to convert it into a standing Act.¹ Though the rule thus suggested was practically that of 1690, it was open to attack as less democratic than that which had been imposed by the civil power; for the heritors and elders, whose function it had been to name and propose a minister, were now to elect and call him, and that too "in a conjunct meeting," which in most parishes would comprise a majority of heritors, especially as these, if absent or non-resident, might vote by proxy; and the congregation was to be consulted "after the finishing of the election," and not, as in 1690, whilst it was still in progress.² At the meeting of Assembly in 1732 it was found that 31 presbyteries condemned the overture; that 6 approved of it as it stood; that 12 approved of it, subject to amendment; and that 18 had made no return. These last, on the assumption—which some denied—that the approval of presbyteries was essential, were reckoned as favourable, since, though warned of the consequences that would ensue if they made no return, they had not intimated their dissent; and, though two petitions were presented against this and other grievances—one by 39 ministers and 3 elders,³ and the other by some 1700 laymen—it was carried first that the overture should not be re-transmitted, and then, "by a very great plurality," that it should be approved.⁴

¹ *Acts of Assembly*, 1731, p. 7.

² Willison's *Testimony*, p. 70; *Patronage Report*, p. 89.

³ In Struthers, i. 599, note. Six other ministers afterwards signed the petition.

⁴ Gib's *Display of the Secession Testimony*, p. 2; *Assembly Register*, MSS.

The most prominent of those who spoke and voted against this Act was Ebenezer Erskine, who for 27 years had been minister of Portmoak in Kinross-shire, and who was now minister at Stirling. Erskine had long been the most popular orator of the ultra-Evangelical school; his communions at Portmoak were sometimes attended by 2,000 people; and his audiences every Sunday were so large that, when the weather permitted, he preached in the open air. He had refused and denounced in all its forms the abjuration oath; as early as 1715 he had asserted the divine right of every congregation to choose its own pastor; in 1721 he had drawn up the representation in defence of the *Marrow*; and he had been particularly zealous against Simson, whose first accuser, Webster, was his father-in-law, asserting with reckless vehemence that "Satan hath a party within this Church," and exhorting his hearers to stand up "against those who would hew down the Tree of Life."¹ In the Assembly of 1732 he charged his brethren who supported the overture with showing respect to heritors at the expense of the poor, rich in faith, whom God had chosen, "to the man with the gold ring and the gay clothing beyond the man with the vile raiment and poor attire";² on returning to his parish, he declared from the pulpit that "professed Presbyterians," who countenanced intrusion, were attempting "to jostle Christ out of his government";³ and in October, on opening the Synod of Perth and Stirling, he preached a pungent sermon⁴ from the text, "The stone which the builders rejected, the same is

¹ MacEwen's *Erskines*, pp. 40, 53, 54, 60-61.

² Fraser's *Life of Ebenezer Erskine*, p. 359.

³ Moncreiff Wellwood's *Life of Dr. John Erskine*, p. 444.

⁴ Gib's *Display*, i. 381-403.

made the head-stone of the corner." The sting of this discourse lay not so much in its practical application, that Christ was "rejected in his poor members, and the rich of this world put in their room," as in the insulting parallel which the preacher sought to establish between the majority of his brethren and the Scribes and Pharisees, who, though zealots for the moral law, were strangers to grace, who thought that "a smack of the learning then in vogue" was all that was needed to fit a man for the ministry, who courted the great and treated the people as "an unhallowed mob," who denied the "supreme deity"¹ of Christ, and who, in their "carnal wisdom," put him to death.

Denunciation of Pharisees has seldom been uttered in a more obviously pharisaical spirit; and the Synod, though much opposed to patronage and intrusion,² resolved, after considering the sermon, that several of its expressions were deserving of blame. Erskine, supported by a dozen ministers who protested against this decision, appealed to the next Assembly; and, having gone away without waiting to be rebuked, he was cited to appear at the next meeting in April 1733. His supporters were now reduced to seven, and these were careful to distinguish between the substance and the manner of his discourse; but, though several committees were appointed "one after another" to confer with him, he declined to withdraw "the least part" of what he called "the utterance given me by the Lord at Perth"; and, when the Moderator was about to admonish him, he intimated that he adhered to his appeal. He now published his sermon, defended

¹ As the Pharisees denied a great deal more than this, the words quoted were obviously a reflection on Professor Simson.

² See proof of this in Cunningham, ii. 431, note.

it from the pulpit, and conducted himself, according to his opponents, as "an itinerant trumpeter of schism." At the Assembly of 1733 the sentence of the Synod was confirmed, and Erskine and three ministers—Wilson, Moncreiff and Fisher—who still adhered to him were admonished at the bar. This rebuke they repelled in a written protest which they declined to withdraw; and the Commission was then instructed to suspend them—if still impenitent—in August, and in November to proceed, if necessary, to a higher censure. In August, accordingly, having appeared only to read long papers in their defence, they were suspended; and in November, on their admission that they had entirely disregarded this sentence, as indeed they had declared that they would, a motion was carried in the Commission by the Moderator's casting vote that the higher censure authorised by the Assembly should be imposed. A last effort was made to reclaim the mutineers in the shape of a proposal that they should withdraw their protest against the decision of the Assembly in the event of the next Assembly being willing to affirm that it was not intended thereby to restrict ministerial freedom, and that meanwhile they should reserve full liberty to denounce the decision as much as they pleased. On their rejection of this overture, which had been urged upon them in a conference of four hours, they were "loosed" from their parishes and declared to be no longer ministers of the Church. When the sentence was intimated to them, they read and presented a document in which they declared that they were obliged to make a secession from "the prevailing party" in the Church, but that, notwithstanding, their pastoral relations remained valid, and that it should still be

lawful for them "to exercise the keys of doctrine, discipline and government."¹

The majority in this case professed to take their stand on the principle that no order could be maintained in the Church if ministers would not submit to be rebuked by the supreme court for a matter of so little vital importance as mere impropriety of speech. It has been suggested that the Assembly might have overlooked Erskine's protest against the censure passed upon him, as in 1722 it had overlooked a similar protest against the condemnation of the *Marrow*;² but this was a judicial process in which the parties were represented by counsel; and the argument seems at least to be a strong one that the complainant had no right to appeal to the Assembly unless he meant to accept its decision. Nor can it be said that Erskine was prosecuted for impugning an unpopular Act; for the sentence which the Assembly confirmed referred only to "several indecent expressions," and he was not asked to give a promise of silence, but merely to acquiesce in the judgment of his superiors that on a particular occasion he had violated decorum.

If, however, the policy of the Moderates was to put a check on that reckless license of invective which had been claimed and exercised by all Presbyterian extremists since the days of Knox, their subsequent procedure was fatal to its success. Early in 1734, having formed themselves into what they called an Associate Presbytery, the four ministers issued a declaration of the causes which had induced them

¹ *A Narrative and State of the Proceedings, etc.*, and a *Review* of this tract, 1734; *Testimony of the Associate Synod*, 1779, pp. 19-33; M'Kerrow, i. 58-91.

² Cunningham, ii. 438.

to secede;¹ and their opponents, anxious to retain the minority whose Evangelical sympathies had not as yet developed into schism, made haste to retrace their steps. The Assembly of 1734 repealed not only the new scheme for appointing to vacant parishes, but also the Act of 1730 against the recording of reasons of dissent, and declared, in terms of the proposal made to Erskine and his friends, that the decision in their case was not intended to put any restraint on ministerial freedom. It empowered the Synod of Perth and Stirling to deal as it pleased with the seceding brethren, whilst at the same time forbidding that court to take into consideration the legality of the process; it sustained several appeals against intrusion; and it prohibited the Commission from instituting "riding committees."² The Synod at once restored the four ministers, and the Presbytery of Stirling even elected Erskine as its Moderator. Erskine, however, intimated his intention to tarry for a while in the wilderness, into which, as he conceived, the Established Church had, for the most part, driven the Church of Christ;³ and a lengthy manifesto was soon issued, in which, after complaining that the sentence against them had not been rescinded or declared illegal, the Seceders put forward several extravagant demands, on the concession of which alone they would consent to return.⁴

¹ Afterwards known as the First or Extra-Judicial Testimony, in order to distinguish it from the much larger document which they published when they were about to exercise *judicial* functions.

² *Acts of Assembly*, 1734, pp. 9, 19, 21.

³ *Fraser's Life and Diary of Ebenezer Erskine*, p. 399.

⁴ *Testimony of the Associate Synod*, pp. 231-256. The sixth and last demand was that the Church should appoint a public fast for its "course of back-sliding," in other words, for all that had given offence to the Seceders.

The Evangelical measures passed by the Assembly of 1734 were carried still further in 1736, when two Acts were passed, one declaring it to be a principle of the Church that none should be ordained to a parish contrary to the will of the congregation, and the other requiring ministers in their sermons to conform to what was popularly called "the right Gospel strain"; but the Seceders insisted that the Assembly betrayed the hollowness of these reforms by countenancing intrusions at Denny and Traquair, and by acquitting a heretical and frankly Moderate Professor;¹ and at the end of this year, 1736, as an intimation that they were now prepared to exercise ecclesiastical jurisdiction—for hitherto the Associate Presbytery had been little more than an association for prayer—they issued their Judicial Testimony, in which they defined their position by reviewing at great length the defections of the Church since the fall of Ultra-Presbyterianism in 1651.² This step, as the announcement of a permanent secession, gave great offence to the loyal Evangelicals, dissatisfied as they already were with the Seceders for rejecting the concessions they had procured for them in 1734 and 1736. The views of this party found a vigorous exponent in Currie of Kinglassie, who had been the intimate friend of Ebenezer Erskine, and who, with six other ministers, had protested against the sentence of the Commission; and in 1738, when proceedings had been instituted against the Seceders, now eight in number, including Ebenezer's brother, Ralph, on

¹ Professor Campbell. See chapter vii.

² The repeal of the laws against witchcraft, which came into force on June 24 of this year, was mentioned as one of many "public evils."—*Statutes at Large*, vi. 206; Gib's *Display*, i. 144.

the ground that they were setting up a new Church, Currie attacked them in the press as guilty of reckless and unjustifiable schism. In 1739 it was resolved to proceed with a libel which the Commission had issued; but the Assembly, after hearing itself denounced and disowned as a corrupt body, from which the faithful were exhorted to come forth, had sufficient control of its temper to suspend judgment for another year. In 1740 the Seceders were finally deposed.¹

¹ Morren's *Annals of the General Assembly*, pp. 1-10, 15-18.

CHAPTER VII

THE GROWTH OF MODERATISM

It has been mentioned that the Seceders in their Judicial Testimony traced back the declension of the Church, as the Cameronians had always traced it, to the repeal of the Act of Classes in 1651 ; and, without attempting to follow them in their backsliding chronicle, we may profitably supplement what has already been said on this subject by looking more closely into the rise and character of the latitudinarian spirit. Some writers would have us believe that this spirit was introduced with the Episcopal conformists at the Revolution ;¹ but such a theory has no foundation in fact. The clergy who conformed were neither numerous, nor, with one or two exceptions,² of any particular note ; and when, at a much later time, the Evangelicals

¹ Hetherington in his ultra-Presbyterian *History of the Church of Scotland* harps continually on this idea. Cunningham, a most judicious and interesting writer, summarily rejects it.

² The chief exceptions were Laurence Charteris, the friend of Burnet and Leighton ; George Meldrum, who was twice Moderator of the Assembly ; and Colin Campbell, the devoted pastor for almost sixty years of a remote Highland parish, whose modesty alone prevented him from winning world-wide recognition as a mathematician and astronomer, and of whom Sir Isaac Newton wrote : " I see that were he amongst us, he would make children of us all."—*Scot's Fasti*, v. 62-65.

began to take alarm, it was the young ministers they denounced, not the old. Nevertheless the dissenters were not wrong in beginning their story of defection with the battle of Dunbar; for, though the Church of the Revolution had little or no personal connexion with that of the Restoration, we have seen that the moderate spirit shown by the restored Presbytery was the result of its sufferings and fanatical excesses during the two preceding reigns. The advice of King William's Commissioner to the Parliament of 1690, "Let your moderation be known unto all men," and his own message to the Assembly of that year, inculcating "a calm and peaceable procedure" were thus congenial to the temper of the time; and the reluctance to revive extreme pretensions, due in the first place to mere exhaustion, was soon strengthened by the commercial and political agitation excited by the Darien Scheme and the Union. Wodrow in 1709 feared that the plague then raging in the Baltic ports might visit Scotland as a punishment for "the sin of our too great fondness upon trade, to the neglecting of our more valuable interests";¹ and the broad-minded Calamy who visited Scotland in that year noted as remarkable that at a meeting of members of Assembly containing representatives of the various synods, "not one in all the company was for the *Jure Divino* of the Presbyterian form of Church government, though they freely submitted to it."²

Moderatism, however, in anything but a negative sense could hardly as yet be said to exist; for, whilst the rigour and extravagance of the Covenanting tradition had fallen into disrepute, there was no serious

¹ *Wodrow Correspondence*, i. 67. See also p. 49.

² *Calamy's Life*, ii. 153.

attempt to formulate worthier and more liberal ideas. In 1707 a minister was suspended by the Synod of Aberdeen for teaching that virtue was more natural to the human mind than vice,¹ and at Edinburgh, six years later, an "unhappy youth," apparently an English Neonomian, published an essay which Wodrow pronounced to be a "sink of errors";² but the true pioneer of constructive liberalism was undoubtedly Professor Simson, who was appointed to the Chair of Divinity at Glasgow in 1708, and who, according to his opponents, lost no time in disseminating his Arminian views. Glasgow at this period being the chief source of theological instruction both for Ulster and the west of Scotland, the effect of Simson's teaching soon became apparent in the growth of the Belfast Society, whose founder, Abernethy, was his intimate friend,³ and in the tendency of young Scottish ministers to adopt an ethical and undogmatic style of preaching—a tendency in which they were encouraged by the failure of the first process against Simson, and by the condemnation of what its advocates asserted to be the "Gospel truths" contained in the *Marrow*. In 1726, on the motion of Willison, who complained "that a scandal was like to arise from legal preaching of morality and sermons where nothing of Christ was," an Act was drafted against the new mode;⁴ but this attempt, though revived four years later,⁵ made no progress till the Assembly of 1734, in its eagerness to check the Secession, transmitted an overture to presbyteries, which, with their approval, was enacted in 1736, recommending ministers to insist on the

¹ *Fasti*, vi. 625.

² *Correspondence*, i. 493-494.

³ Reid's *Presbyterian Church in Ireland*, iii. 237.

⁴ *Wodrow Correspondence*, iii. 247, 257.

⁵ *Analecta*, iv. 125.

necessity of supernatural revelation, to "make Gospel subjects their main theme," and "to let their hearers know that they must first be grafted into Christ as their root before their fruit can be savoury unto God."¹ Some of Simson's disciples were so far from being daunted by the result of his second process that they asserted that the Assembly in condemning his interpretation of the Trinity had established "a new article of faith";² and it is very significant that the strongest argument for suspending the Professor is said to have been the fear that, if he were deposed, a person no more orthodox might obtain his place.³ In view of the temper shown by the other Universities, this apprehension was not without warrant. Principal Chalmers of Aberdeen, and Hamilton, Professor of Divinity at Edinburgh, had strongly supported Simson; and the latter, having "the wisdom to keep himself in the clouds," was remarkable for his silence on many doctrinal points. Campbell, who in 1731 began to teach theology at St. Andrews, was soon to be prosecuted for heresy on account of three treatises, one of which he had already published; and the University of Edinburgh had just conferred the degree of Doctor of Divinity on seven dissenting ministers in England, all but one of whom were non-subscribers.⁴

The suspension of Simson did not avert, and hardly even postponed, the danger which its supporters had had in view. His chair remained all but formally vacant, except in so far as its duties were discharged

¹ *Acts of Assembly*, 1736, p. 14; Willison, p. 84.

² *An Alarm to the Church of Scotland*, p. 14.

³ *Wodrow Correspondence*, iii. 433, 437.

⁴ *Ibid.* pp. 395, 453, 457; *Analecta*, iv. 139; *Life of Leechman*, prefixed to his *Sermons*, i. 4.

used only such arguments for prayer as were calculated to meet the objections of a certain infidel tract; and the charges against him were dismissed on his own appeal to the Synod, and on that of his accusers to the Assembly of 1744.¹ In another of his printed discourses, addressed to his brother ministers as Moderator of Synod, he had exhorted them to cultivate a clear and impartial judgment with regard to religion, so that they might be qualified to estimate aright the relative importance of its various doctrines; and his lectures, which, like Hutcheson, he delivered in English, were characterised by the same liberal spirit. In dealing with the branch of his subject known as polemical divinity, he reviewed the origin and significance of the various controversies which had agitated the Church, and the arguments advanced on either side, without expressing any opinion of his own; he counselled his students not to decide hastily points on which good and wise men had differed, to retain long the character of enquirers, and to keep their minds open to new light and evidence from every quarter; and, whilst not forgetting the arguments from prophecy and miracle in favour of Christianity, he laid unwonted stress on the life and teaching of Jesus.²

to Mure of Caldwell in *Caldwell Papers*, i. 52. The fine spirit of these discourses may be inferred from the following passage (i. 182): "May we not then indulge ourselves in the charitable hope, wherever there was any found, even in the heathen world, groaning under a sense of his deep ignorance and depravity, and earnestly panting after light and purity, that God never did deny his grace to such a person, but enlightened him with as much knowledge as was necessary for purifying his heart and guiding him forward in the paths of goodness."

¹ Morren's *Annals of the Assembly*, i. 46-61.

² Leechman's *Sermons*, with *Life* prefixed, i. 28, 31-38, 109. Ramsay's *Scotland and Scotsmen*, i. 279-285.

The process we have been considering, which may be described as the progress of the Scottish mind from passive to militant Moderatism, is nowhere more clearly revealed than in the lives of the two William Wisharts, father and son, both of whom, at an interval of eight years, held the office of Principal of the University of Edinburgh. The elder Wishart had studied theology at Utrecht, had been imprisoned on a political charge by the Government of Charles II., had been ordained before the Revolution, had been Moderator of the Commission which represented the Church at the time of the Union, his conduct in which capacity is warmly praised by Defoe; and in his character, as well as in the incidents of his career, he bore a strong resemblance to Carstares—that is to say, whilst professedly an old-fashioned Presbyterian, conservative and orthodox, he was always ready to make concessions in the interest of peace. The tolerance of his funeral sermon on George Meldrum, a minister who had conformed to Episcopacy at the Restoration, is said to have given offence;¹ and in his addresses to the Assembly, of which he was five times Moderator, he never failed to insist on peace and unity, and on “that temper and calmness of spirit that becomes the gospel.”² The younger Wishart, inheriting from his father so kindly and charitable a disposition, was evidently a fit subject for the creative liberalism of the age; and in him, as well as in his brother George,³ that influence produced its earliest, and some of its finest, fruit.

¹ *Analecta*, iv. 61.

² *Assembly Registers*, MSS.

³ For this divine, see Ramsay's *Scotland and Scotsmen*, i. 247-250, and Morren's *Annals*, ii. 316-319.

William Wishart was licensed by the Presbytery of Edinburgh in 1717, and in 1724 was ordained to the Tron Church, Glasgow. He is said to have been called by the magistrates and town council, contrary to the wishes of the people, and "illiterate pious Christians"—to use his own expression—must have found his preaching as unpleasant as it was new. He insisted that we are concerned with mysteries only in so far as we can understand them, and that, within these limits, they can do us neither much harm nor much good. On one occasion, when inculcating sobriety of mind, he said that we ought not to think ourselves less or worse than others, but should cultivate, even in our thoughts, a strict regard for truth; he controverted the statement of a brother minister that a mere intellectual assent to Christianity is no better than the faith of devils; and he was in the habit of using a prayer which he had borrowed from the English non-subscribers—"Lord rebuke and bear down a spirit of imposition and persecution, not only in Papists, but in Christians of whatever denomination." Whilst Wishart was supposed to take Tillotson as his model, he was assisted at communions by men who were believed to be less familiar with the writings of that latitudinarian prelate than with Addison's *Spectator*; and the sallies of these youthful spirits gave "occasion to new melancholy cries in point of doctrine." Wallace of Moffat, a future Moderator, expatiated "in the new haranguing method" on such subjects as the innocence of opinion and the necessity of examining what claimed to be divine truth; and Telfer of Hawick, who was afterwards to startle a General Assembly by preaching to it on the intolerance and austerity of the Covenanting times, delivered

two sermons of a more baleful lustre than had yet been emitted even by such "bright youths" and "vivid sparks." He said that the chief end of religion was to promote duties of righteousness between man and man, the Deity being willing to dispense with those we owed to Himself; that man's reason was not corrupt, and that those who said it was were the readiest to impose their authority and sentiments on others; that no man should tie himself down to systems and creeds; and that a fuller knowledge of God might be gained from the works of creation than from the Bible itself.¹

As Wishart's liberalism found expression in action as well as in speech, he provided his parishioners with unfailling material for gossip. "Not many weeks now passes," wrote Wodrow in 1725, "but new things in Mr. Wishart's conduct are breaking out which make an unhappy noise."² He identified himself with a philosophical, if not sceptical, club among the Glasgow students which called itself in his honour the Sophocardian;³ he cultivated an intimacy with certain English officers and their Episcopalian chaplain; he offended the University authorities by trying to find a livelihood for an English dissenting minister as a teacher of mathematics, and he continued his exertions after the minister, who was rigidly orthodox, had attempted to refute him from his own pulpit. In 1730 he left Glasgow to become minister of the Scottish congregation in London, and here, too, he shocked the sentiments

¹ *Analecta*, iii. 163, 167, 239, 247, 254, 274. Our knowledge of these sermons, it should be observed, is derived wholly from Wodrow, the detached passages quoted by whom at second-hand are no very reliable guide.

² *Analecta*, iii. 248.

³ From Buchanan's name for George Wishart (Wise-Heart).

of his people, going occasionally to the theatre, and associating with the most liberal of non-subscribing divines.¹ Wishart naturally befriended Professor Simson, not that he cared for his Trinitarian theories—for such speculations were foreign to his nature—but that he “could not consent to prosecute those who differed from him”;² and we have seen that he published a pamphlet³ in which he urged that Simson’s suspension should be withdrawn. After reading this eloquent and vigorous tract, one is not surprised to find that a petition, intended for the Crown, was submitted to him in order that he might “take away Scotticisms and smooth the style”;⁴ but the noblest memorial both of his generous spirit and of his literary power is his sermon on “Charity the End of the Commandment,”⁵ published in 1731. Seldom, indeed, has the plea been more persuasively urged that “to over-value things of lesser importance in religion in comparison with greater” is to mistake the means for the end; and it is characteristic of the preacher that, though “as far as any man from a disposition to judge rashly even of those who reject the words of our Saviour Himself,” he is at a loss to conceive how any difficulties to be met with in the Scripture records can suffice to discredit a revelation which has charity for the sum of its demands. “I cannot now stand,” he concludes, “to make a particular application of this rule; but I speak as to wise men; judge ye what I say; and sure I am that a wise and practical improvement of it would lead us to the true way to peace in the Christian Church.”

¹ *Analecta*, iii. 178, 183, 255, 261; iv. 78, 194, 227.

² *Analecta*, iii. 354.

³ *A Short and Impartial State of the Case, etc.*

⁴ *Analecta*, iii. 248.

⁵ *Adv. Libr. Pamphlets*, 679.

In 1736 Wishart was elected Principal of the University of Edinburgh. He did not enter on the duties of his office till late in the following year, and his appointment to a parochial charge in conjunction with the Principalship was delayed by a prosecution, in which he was taxed with controverting the dogma of original sin, with inculcating that the civil power had no right to punish heresy, that freedom of inquiry should not be hampered by doctrinal forms, that children should not be required to learn catechisms by rote, and with showing excessive charity to heathens who reject the Gospel, and to lapsed Christians. Wishart contrived to satisfy the Assembly of 1738 that his teaching on these points was consistent with the Confession;¹ and it may be noted here that, two years earlier, Professor Campbell of St. Andrews had accomplished a similar, and no less formidable feat.

Campbell had been a pupil of Professor Simson, and, though less subtle than that noted heresiarch, he was equally obstinate and loquacious in defending his views.² He had published, or rather re-published—for one of his friends had obtained a living in England by appropriating the first edition³—an *Inquiry into the Original of Moral Virtue*, in which he maintained against Hutcheson that self-love was the mainspring of all rational beings, including the Deity Himself; and he had also issued two works in defence of Christianity—a Latin oration intended to show that the existence of God could not be known by our natural powers, and a *Discourse proving that the*

¹ Morren's *Annals*, i. 310-311; *Testimony of Associate Synod*, p. 169; Willison, p. 95.

² See the charges and "explications," a pamphlet of over 250 pages, published by the Assembly Commission, 1735.

³ M'Cosh, p. 90.

*Apostles were no Enthusiasts.*¹ In the preface to this last work he conceded to Tindal, the well-known Deist,² that the laws of nature were a sufficient guide to happiness, but insisted that we could neither know nor adhere to these laws without the aid of revelation; and in the work itself he sought to disabuse some of his contemporaries of "an idle fancy they have taken up concerning the Apostles as if they were only a company of poor deluded creatures." The Apostles, indeed, according to Campbell, were so far from being enthusiasts that, from his death to his resurrection, they looked upon Christ as "a downright cheat and impostor," and did not realise His divinity till the day of Pentecost; and he is never tired of exposing the folly of those who "screw up themselves" to that extravagant passion from which he thinks that the Apostles were free—who, when they have some particular business on hand, "go to God with it and lay the matter before the Lord, as they are used to speak," and who "wrestle themselves into those heats and emotions which they take for an answer to prayer." "On the crazy imagination of men of their temper we are all painted as miscreants, infidels, reprobates, and I know not what." The Assembly of 1736, despite its Act against non-Evangelical preaching, took no notice of these sallies, and professed to be satisfied when Campbell resolved his principle of self-love into "our delight in the honour and glory of God"; but

¹The word *enthusiasm* in those days meant "a misconceit of inspiration," and the good sense it now bears is due to the "reaction from the prevailing tone of eighteenth-century feeling."—Abbey and Overton's *English Church*, i. 530, 531.

²Author of *Christianity as Old as the Creation*, a work to which Wallace also replied in the preface to a printed sermon.—Adv. Libr. Pamphlets, 679.

the Professor's opponents in the press did not observe the same restraint. Hog of Carnock, in an anonymous letter—one of those, doubtless, which “breathe the fervour of his devotion”¹—denounced the treatise on enthusiasm as an “infernal project,” and, having endeavoured to “detect the murdering tendency of this hellish engine,” consoled himself with the reflection that “the whole blest company of the Lord's children have as to religion heartily renounced the government of reason in its present state.”²

Campbell was confident that what little enthusiasm still survived from the “distracted times” of the Covenant would speedily disappear; but, whilst he was at work on his vindication of the Apostles, a little society was meeting at Oxford, which was to give a mighty impetus to popular religion both in America and in the British Isles. The Oxford Methodists were, indeed, more remarkable for mysticism and asceticism of a High Church complexion than for any Evangelical bias; but Whitefield in 1735, and John and Charles Wesley about three years later, underwent personal experiences which caused them to lay enormous stress on conversion as a new birth; and this doctrine, at a time of frigid decorum, they preached with such vehemence, and with so startling an effect upon their hearers, that by the end of 1738 they had been excluded from almost every parish church. In the following year Whitefield, whose talent for oratory was as great as that of John Wesley for organisation, began the practice of field preaching; and, though the two

¹ *Wodrow Correspondence*, editor's note, i. 25.

² Campbell's *Discourse*, and tracts relating to it, in *Adv. Libr. Pamphlets*, Second Series, 76; *Acts of Assembly*, 1736, pp. 17-20; *Testimony of Associate Synod*, pp. 118-133.

leaders were divided for a time owing to the adoption by the former of predestinarian views, the movement continued to propagate itself with unabated vigour.

The religious outlook of men who crossed and re-crossed the Atlantic in prosecuting their missionary enterprise was necessarily wide; and, soon after the Church of England had closed its pulpits to the Methodist leaders, the fact attracted their attention that there were ministers in Scotland whose opposition to Moderatism had resulted in their reluctant withdrawal from the national Church. In April 1739 Ralph Erskine received a letter from Whitefield, to which, after making inquiries as to the character of his correspondent, he sent a suitable reply; and about the same period we find this minister and John Wesley exchanging notes as to their several experiences in preaching. Erskine seemed surprised to learn that many of Wesley's hearers "were cut to the heart by the sword of the spirit," and that some even struggled "as in the agonies of death"; but he mentioned as not very unusual in a Seceding congregation that the minister "can scarcely be heard for the weeping noise that surrounds him." During his visit to America from the autumn of 1739 to January 1741, Whitefield corresponded frequently with both the Erskines, in whose favour, after his Calvinism had estranged him from Wesley, and his denunciation of Tillotson, whom he described as knowing no more of Christianity than Mohammed, had disgusted the educated public, he made such progress that they not only prayed for him with the greatest fervour, but attempted to initiate him into the mysteries of Scottish dissent, and finally, in view of his intention to visit Scotland, proposed that he should join the Secession—a proposal which Whitefield

naturally thought "a little too hard." On July 30, 1741, he landed at Leith on his way to visit Ralph Erskine at Dunfermline; and, having discovered on passing through Edinburgh that there were Evangelicals within as well as without the Church, he arrived in a still less complaisant mood than his correspondents had been led to expect. Whitefield at this period was only 27 years of age, whilst the brothers Erskine were 61 and 56; and they may have overrated the pliability to be expected from his youth when he told them that he "should be glad to sit at their feet and be taught the way of God more perfectly." At all events, when he and the Associate Presbytery met at Dunfermline, it soon appeared that the differences between them had not been removed. The Seceders took him back to the Solemn League and Covenant, about which he knew and cared little; he thought Church government indifferent, they thought Presbytery divine; they wanted him to confine his ministrations to "the Lord's people"—his business, he told them, was rather with the devil's; and the conference was followed by a violent sermon against the hierarchy and ritual of the English Church. "The consequence of all this," wrote Whitefield, "was an open breach. I retired, I wept, I prayed; and after preaching in the fields, sat down and dined with them, and then took a final leave."¹

Whitefield was now free to traverse Scotland in his capacity of "an occasional itinerant preacher." During a sojourn of thirteen weeks he preached in about thirty towns and villages, including Edinburgh, Dundee, Perth, Stirling, Glasgow, Paisley and Aberdeen, the last four of which made him an honorary burgess; and both he and the ministers who assisted him were

¹ Fraser's *Life and Diary of Ralph Erskine*, pp. 287-336.

delighted with the success of his mission.¹ His influence had, however, a much wider range than his personal presence, and the phenomena by which he is chiefly remembered in Scotland would certainly have taken place, had his voice there never been heard.

M'Culloch, the minister of Cambuslang, was an ardent supporter of the great preacher, who, however, though invited to do so, was unable on this occasion to visit his parish. For several months before and after Whitefield's visit, he preached to his people on the subject of regeneration, and on Sunday evenings was wont to illustrate his discourse by reading to them narratives of conversions—especially of those effected by Whitefield in America—which he also printed weekly in the form of halfpenny tracts. For a long time nothing unusual occurred; but in January 1742 two artisans whom Whitefield had converted in Glasgow got up a petition, which was readily granted, for a week-day lecture; and soon afterwards an excitement arose which speedily developed into a panic, accompanied by all those physical manifestations which had attended the preaching of Wesley, and afterwards of Whitefield also, in America and England. Most of those who were "awakened" by the terrors of the law gave vent to their agitation in cries and tears, and a considerable proportion, estimated at one in five, underwent the severest bodily as well as mental distress. They declared "that they saw the mouth of hell open to receive them, and that they heard the shrieks of the damned"; they trembled, beat their breasts, fainted, went into convulsions, and bled profusely at the nose. M'Culloch's care for the wounded

¹ Gillies's *Memoirs of Whitefield*, pp. 66-86.

was happily no less than his readiness to smite. At the close of each assault, he carried his victims to the manse, where he sometimes attended to them most of the night; and on the following morning, with napkins round their heads and sobbing piteously, they were placed before his tent—for it had long been his custom to preach in the open air. The report of such scenes brought so many people to Cambuslang that service was held daily for seven or eight months. The epidemic soon spread to neighbouring parishes, especially to that of Kilsyth, whose pastor, Robe, had also been preaching on regeneration, and was at great pains to infect his people; and, in common with all Methodist revivals, it raged with peculiar virulence amongst the young. We read of children forsaking their sports to hold devotions in a barn; of healthy schoolboys from eight to thirteen asking their master to let them “sing psalms and pray”; of M’Culloch holding ghostly converse with a girl “going six,” and with another “going seven.” During his second visit to Scotland in 1742, Whitefield was frequently at Cambuslang, and the excitement then burnt itself out in a final blaze. On the afternoon and evening of his arrival he preached thrice, and was followed by M’Culloch, the service being protracted till nearly two in the morning, and many of the people continuing their devotions all night in the fields. “You could scarce walk a yard,” he wrote, “without treading on some.” The sacrament was dispensed on July 11, and again, with even greater enthusiasm, on August 15, when four ministers preached on the fast-day, four on Saturday, five on Monday, and on Sunday M’Culloch could not “well tell how many.” The services on Sunday lasted from half-past eight in the morning till sunset, and, in

the experienced judgment of Whitefield, they were attended by 30,000 people.¹

The "Cambuslang work" was fiercely denounced by the Seceders, who, it might have been supposed, had precluded themselves from viewing it in any but a favourable light. For two years their leaders had corresponded with Whitefield, had prayed for him—to quote his own words—"in the most public, explicit, I could almost say, extravagant terms," and had referred with commendation, or at all events without censure, to the effects—violent as these were—of his preaching in America. They had invited him to Scotland; and, though they failed to make him a Seceder, or even a Presbyterian, they were so far from rejecting his ministry as that of a prelatical curate that they wished to confine it to themselves. Nevertheless, in their wrath at the signs of vitality which the great preacher and his friends had evoked in a corrupt and back-sliding Church, all these considerations were thrown to the winds. On July 15, 1742, four days after the first communion at Cambuslang, they instituted a public fast for the Satanic agency there manifested in "bitter outeryings, faintings, severe bodily pains, convulsions, voices, visions, and revelations," and for "the fond reception" accorded to a priest of the Church of England, who had sworn the oath of supremacy and abjured the Solemn League. In the same year Gib, their minister at Edinburgh, published a *Warning* against Whitefield, which was written in so extravagant a strain that an opponent could venture to twit him with being subject to those "bodily agitations"

¹ *Statistical Account of Scotland*, 1793, v. 267-274; Robe's *Narratives of the Extraordinary Work*, etc., *passim*; Willison, pp. 109-112; Gillies's *Memoirs of Whitefield*, pp. 92-103.

which he so strongly condemned. "The horror of this scene," he writes, in allusion to Whitefield radiating false doctrine and diabolical influence, "strikes me almost quite dumb. I must halt and give way to some awful ideas that cannot find vent in language. . . . My spirit is like to freeze with horror, impotent of speech."¹

It may seem paradoxical that the religious saturnalia at Cambuslang, which "new light" ministers resolved into a mere question of nerves, should have promoted the growth of Moderatism; and yet, in conjunction with other causes, they certainly had that effect. Until Erskine and his friends seceded from the Church, the Evangelicals had reposed an implicit, if very uncritical, faith in the Covenanting tradition; but, when a new sect arose which made the Covenant its watchword, the prominence given to that document caused many of them to recognise that things had been done under its sanction which they could not approve.² Currie, in his writings against the Seceders, protested that the exaggerated deference paid to the legislation of the Assembly from 1638 to 1650 should not preclude him from exposing its faults. He told his Seceding brethren that an Act of 1648 which required all persons

¹ Quoted in Currie's *Perjury and Great Iniquity of the Seceding Brethren's New Covenant Discovered*, pp. 44, 45. See also Tyerman's *Life of Whitefield*, i. 511, ii. 10. The manifesto summarised by this author on p. 11 of his second volume, though he seems to attribute it to the Seceders, proceeded, of course, from the Cameronians. Whitefield in their eyes was "a limb of Antichrist, a boar and a wild beast from the anti-Christian field of England, come to waste and devour the poor erring people of Scotland."

² John Glass, the founder of a sect which was to attract to its ranks so great a natural philosopher as Faraday, had already repudiated both the Covenant and the idea of a State Church. He was deposed in 1730, and partially restored in 1739.

to sign the Solemn League and Covenant at their first communion was a bad Act and one to be testified against; and he asked these professed opponents of arbitrary power how they could justify the fourth article of the League which bound its subscribers to inform against all who acted contrary to the Covenant, that they might be subjected to whatever punishment the public tribunals should be pleased to inflict; or how they could complain of being persecuted for impugning an Act of Assembly, 1732, and yet extol the Assembly of 1638 which decreed that whoever spoke or wrote against any of its Acts—and some of these had not yet been passed—should incur the censures of the Church.¹ The Cambuslang controversy did much to widen this breach. Whitefield's friends taxed the Seceders, after sufficient provocation, with caring and conversing about nothing but "ministers, church judicatories and some other disputable things, far from the vitals of religion,"² and were in turn accused of being indifferent to such matters and of gratifying religious emotion at the expense of ecclesiastical forms. Nor, indeed, was this an unfounded charge in so far as intercourse with a man who avowed that he would preach in any pulpit that was open to him, even the Pope's, could not fail to imbue the Evangelicals with a more liberal spirit. How wholesome was the discipline to which they were subjected

¹ Currie's *Vindication of the Real Reformation Principles of the Church of Scotland*, 1740, pp. 239, 269, 289, 291. It seems to have been thought sufficient to say in reply to an earlier version of this charge: "The judicatories of the Church can do nothing against the truth; but when their acts and proceedings are for the maintenance and support of truth, they may justly appoint ecclesiastical censures to be inflicted upon malignant opposers."—*Letter from a Member of the Associate Presbytery*, 1738, p. 50. One can only say with Pilate, What is truth?

² Robe's *Narratives*, p. 45.

is evident from the fact that some indignantly repelled it, and that others submitted to it with much searching of heart. Bisset, a minister of Aberdeen, after Whitefield had preached in his church at the invitation of his colleague, not only prayed publicly that God would forgive the dishonour that had been put upon him, but issued a pamphlet in which he denounced the "strolling impostor," and declared that he had done more to promote Episcopacy in Scotland than all the means that had been adopted, from the Reformation onwards, to that end. Willison of Dundee, a noted Evangelical, warmly supported Whitefield and assisted at Cambuslang, but he did so with grave misgivings. Whitefield wrote to him in 1741, "I wish you would not trouble yourself or me by writing about the corruptions of the Church of England"; and again in 1742, "Your letter gave me some concern. . . . You seem not satisfied unless I declare myself a Presbyterian."¹

Whilst the Evangelicals were thus learning moderation from Whitefield, the progress of the Secession provided them with a useful lesson in the disadvantages of headlong zeal. At the end of 1742 the number of Seceding ministers had increased from four to twenty, and, two years later, when five more pastors had been enrolled, the Associate Presbytery gave place to three bodies, meeting at Dunfermline, Glasgow, and Edinburgh, and forming in conjunction the Associate Synod. The last Act of the undivided Presbytery had been to make the taking of the Covenants a term, or rather the term, both of ministerial and of Christian communion; and, though this qualification was not insisted on as a test of

¹Tyerman's *Life of Whitefield*, i. 514, 522, ii. 16, 21.

Church membership, it was enough to exclude a Seceder from the sacrament if he had presumed to worship in a parish church.¹ Such a pitch of intolerance had not been attained in Scotland since the Protesters in the reign of Charles II. had pronounced it a sin to hear an indulged minister; and the "much entangled scrupulosity"—to quote Bishop Burnet—which had ruined the Bothwell Rising in 1679 proved equally potent to create dissension now.

At its first meeting in March 1745, the Synod had to deal with a question which Moncreiff, one of the four original Seceders, had already raised, whether the oath required of burgesses in several Scottish towns was consistent with the Secession testimony, and, in particular, with the Covenants which had just been renewed. The clause in this oath to which exception was taken was obviously anti-Papal in design, but, as it bound the subscriber to uphold "the true religion presently professed within this realm," the more fanatical Seceders declared that they could not take it without homologating the corruptions of the Established Church. In 1746 the Synod resolved that the oath was contrary to the Covenants, and consequently that no Seceder could swear it without sin. Several ministers and elders, including Ebenezer and Ralph Erskine, intimated their dissent from this decision; and in 1747 they and some others carried, or rather passed, a resolution—for they numbered only 20 in a house of 53 members, and the rest for various reasons declined to vote—that the Act as to the burgess oath should not be made a term of communion till it had been confirmed by presbyteries and kirk-sessions. 23 of the

¹ Willison, p. 103.

non-voters immediately seceded, met in council, and resolved, in view of their steadfastness in the faith, that "the lawful authority and power" of the Synod had devolved upon them. Two distinct bodies were thus formed, and continued in separation till 1820—the General Associate and the Associate, or, as they were popularly termed, the Anti-Burgher and the Burgher Synod, the former in 1747 comprising 19 ministers, and the latter 12. The Anti-Burghers immediately took proceedings against the Erskines and their friends; and, having successively libelled, suspended and deposed them, they finally excommunicated them, and delivered them to Satan.¹

It was fortunate for the due appreciation of this spectacle of zealot excommunicating zealot, and dissent dissenting from dissent, that, whilst the Secession had drained the Evangelicals of their hottest, if not of their best, blood, there was as yet no hard and fast line between that party and the more liberal school. Moderatism had its own reasons for welcoming the general attempt which patrons were now making to enforce their rights; but its leaders, who had subordinated the patron to the heritors, were not disposed to give up their scheme; and it thus happened that the men who were most obnoxious to the Evangelicals on doctrinal grounds were frequently their stoutest allies against patronage, and even in favour of popular rights. Hutcheson in 1735 had published a vigorous tract, in which he exhorted the gentlemen of Scotland not to surrender their power of promoting a pious and cultured clergy to a Minister of State and seven or eight lords; and Wallace, during the four years in

¹ Gib's *Display*, ii. 17-100; M'Kerrow, i. 271-310.

which he dispensed the royal patronage after the fall of Walpole in 1742, was careful to consult the wishes of the heritors, and at the same time to impress upon them that they must endeavour to conciliate the elders and people. Few men made a firmer stand against intrusion than Principal Wishart, and in most cases he had the support of his brother George. In 1751, with Currie and some twenty other ministers, he dissented from a decision of the Assembly in the Torphichen case that the Presbytery of Linlithgow should be censured for refusing to ordain a very unpopular presentee; and he must, therefore, have concurred in the rejection of a motion that the presbytery should be suspended—a motion which was seconded by William Robertson in his first speech, and in supporting which he enunciated those principles which he himself was to impress upon Moderatism when it had passed the probationary stage, with which alone we are here concerned, and had entered on its vigorous prime.¹

It is too often assumed that the religious movement which has now been reviewed was something quite unprecedented in the annals of Scottish Presbytery, if not also in those of the Scottish Church. Such an idea can be entertained only by those who read into the seventeenth century a distinction between Presbytery and Episcopacy which existed only for a few years before it was recognised by the Toleration Act of 1712, and who fail to realise that the Presbyterian organisation, however much it might be repressed, was never at any time supplanted, by bishops. During the reigns of James VI. and Charles I. a movement had taken place, identical in all essential respects with that which has

¹ Morren's *Annals*, i. 27, 209-212, 303, 318.

just been traced. Presbytery was then exhausted by the effort it had made under the leadership of Andrew Melville to dominate the civil power, just as at the Revolution it was exhausted by another such effort, which had seemed to triumph in the Act of Classes, but which, in a series of reverses from the battle of Dunbar to that of Bothwell Bridge, had been utterly crushed; and the peril of the Spanish Armada had produced that very concordat between Church and State which, as revised by William and Carstares, was now in force. Melville in 1596 had, indeed, rallied his forces for a fresh assault; but the failure of that attempt only precipitated a reaction against fanaticism such as, in the years following the Revolution, progressed by slower, but far surer, steps. In the seventeenth century the ultra-Presbyterians had contended against the secular influence of State-appointed bishops, and in the eighteenth century they opposed a similar influence as represented in each parish by the heritors or the patron. In both cases arguments of mere expediency were silenced rather than answered by assertions of divine right; and the details as well as the issues of the contest were in great measure the same. The Commission of Assembly, whose "riding committees" excited such wrath, had been denounced by Melville and his friends as "the King's led horse," as "the wrack of the Kirk," as a wedge taken out of the ministry to effect its ruin; and in 1597 the Commission had suspended a minister for abusing the privilege of the pulpit, as in 1733 it suspended Ebenezer Erskine. Then as now, though not to the same extent, complaints were heard that "profane ministers," men of unsanctified gifts, were desecrating the pastoral office, that a new style of preaching was coming into vogue—a

style so cold and undogmatic that it kept the people "in atheism without all true knowledge and feeling"; the ratification of the Perth Articles was signalised by a thunderstorm¹ no less portentous than that which was to greet the condemnation of the *Marrow*; and there was even a revival at Stewarton—"the Stewarton sickness"—to counterbalance that of Cambuslang. Currie and Willison, in their attitude towards the Seceders, had been anticipated by one who rebuked the malcontents of his day for their "words of fleshly contention rather rankling the wound nor healing the sore of our diseased Church"; and the liberal theology of Simson, Leechman, and Wishart finds its prototype in that of the men who declared that Heaven was as open to Catholics as to Protestants, that inter-Christian differences were "but a mouthful of moonshine," and that no regard for orthodoxy could induce them to "damn eternally the soul of one Cicero or one Socrates."² One may surely learn from such a parallel as this how truly national, how happily conservative of its past, was the Church whose fortunes we have traced during the half-century which followed the Revolution, since, in assimilating the institutions of Scottish Puritanism, it had assimilated also the spirit to which the genius of Presbytery had hitherto been opposed.

¹ Calderwood's *History*, vii. 505.

² Those who wish to estimate the justice of this parallel may be interested in comparing the present chapter with Chapter X., entitled "The Reign of the Moderates," in the first volume of my previous work, *Politics and Religion in Scotland, 1550-1695*. The points mentioned in the text will be found on pp. 274, 275, 293, 294, 312, 328, 330, 331, 340, 360.

CHAPTER VIII

FRICION AND CIVIL WAR, 1707-1716

IN the three preceding chapters an account has been given of ecclesiastical affairs in Scotland from the eve of the Union to the middle of the eighteenth century; and it will now be necessary to resume the thread of political events where we left it at the dissolution of the last Scottish Parliament in March 1707.

The sacrifices involved in the Union could not fail, for a considerable time, to be more apparent than its rewards; but the first difficulty arose from an anticipation of that freedom of trade which was certainly its greatest boon. The treaty had been ratified in Scotland, where alone it was in serious danger, more than three months before the date at which it was to come into force; and, as the Scottish tariff was very much lower than the English, advantage was taken of this interval to make unusual importations of foreign goods, chiefly French wines and brandy, for the purpose of introducing them free into England after the first of May, whilst at the same time tobacco was shipped in large quantities from England to Scotland both with this object and in order, meanwhile, to obtain the drawback granted on re-exportation.

At the instance of the London merchants, who complained of unfair competition, the Commons passed a Bill to prohibit this traffic in so far as it savoured of fraud, that is, except in the case of cargoes which should be proved—a tedious and expensive process—to be owned wholly by resident Scotsmen. The Lords refused to accept the Bill on the ground that an English Parliament as such had no power to explain or determine the articles of union; but, Great Britain being then at war with France, there was a more serious objection to the legality of the trade; and when about midsummer a Scottish fleet of some forty sail arrived in the Thames, the Custom-house authorities seized both ships and goods. After considerable delay, the vessels were allowed to unload under a provisional suspension of dues; and in November, on an address of the British House of Commons, the Crown very willingly relinquished its claim.¹

The difficulties encountered by this speculation, successful and highly profitable as it proved, were perverted by anti-Unionist sentiment into a charge of ill-faith; and the popular indignation was still at its height when suspicions were aroused that another of England's promises was not to be fulfilled. No date had been fixed for payment of the £398,085 allotted to Scotland in consideration of its liability to the English debt and known as the Equivalent, except that the money was to be voted, as it had been, by the English Parliament, and was to be "due and payable from the time of the Union"; but a delay in transmitting this sum, which was doubtless unwise, permitted agitators to assert that such remissness, if not

¹ Defoe, pp. 567-573, 689-692; Burnet, v. 298-299, 359; *Parl. Hist.* vi. 379; *Boyer's Annals*, vi. 261.

dishonesty, made the treaty void; and when at last, on August 5, the money was brought to Edinburgh in twelve waggons escorted by dragoons, a large crowd gave unmannerly expression to its belief that the country, if not duped, had at least been sold. New complaints were raised when it was found that only one fourth of the sum had been brought in gold, and the rest in Exchequer bills; but, as the latter were promptly cashed in London and nobody was compelled to take them in lieu of coin, the discontent on this head did not last long.¹

The Equivalent helped to diffuse a more friendly feeling towards the Union in so far as it was spent in paying off arrears of salary and in refunding the African stock; but many years elapsed before any of it was applied to the encouragement of fisheries and manufactures, and meanwhile the country at large had to reckon with heavy and unfamiliar taxes as the price of a commercial freedom, the benefit of which, however certain, was more or less remote. The sixth article had provided that fiscal uniformity should be secured by the extension of the English system to Scotland; and, having attempted to prepare the way for this change by drafting officials from the south, the Government appointed two mixed Commissions of English and Scots for the management respectively of the Customs and Excise. Each of these boards had its own difficulties to contend with, apart from the conflict with nationality which was common to both. In the Excise, Scottish had to be adjusted to English measures, and new methods of collection, such as "the art of gauging," had to be introduced;

¹ Defoe, pp. 586-592; Fraser's *Melvilles and Leslie's*, ii. 213; *Portland Manuscripts*, iv. 413, 431.

and these reforms proved so arduous that the attempt to enforce them was suspended by proclamation, and the Commission did not enter on its duties till June 9. In regard to Customs duties, the question was not so much how they were to be levied as whether they were to be paid. Both the Customs and the Excise had hitherto been farmed by individuals who, in the interest of their gross receipts, had found it advantageous to make abatement of very moderate dues; and, if smuggling had been resorted to under such a system, one can readily believe that it flourished now, when the duties on wine and brandy had been raised to five or eight times their original amount, and when, moreover, they were exacted in full. During this summer of 1707 several thousand casks of brandy were believed to have been run ashore from a fleet of Dutch luggers, and some of them, which the officers had seized, were forcibly retaken. The Customs Commission, however, grappled vigorously with this evil; and smuggling, if more profitable than before the Union, was rendered much more hazardous by the employment of swift cruisers, and of mounted surveyors to patrol the coast.¹

These fiscal innovations were accompanied by certain changes in the administration of the law. James VI., with a view to putting down the practice of deadly feuds, had attempted to establish Justices of the Peace, and his efforts had been seconded by Parliament in

¹ Defoe, pp. 575-578, 582-585. Readers of Defoe may be puzzled to know what has become of the Customs tables mentioned on p. 578. On p. 604 we are told that they were omitted as merely nominal, the Scottish tacksman making what reductions he pleased. Burnet's statement (v. 334) that "the whole trade of Scotland was stopped for almost two months" is probably an erroneous inference from the fact that the new system was not, or could not be, established at once. Trade was not likely to stop for want of being taxed.

the reigns of Charles I. and Charles II.; but, except for three years under Cromwell, the new magistracy had been little better than a name;¹ and, as the heritable jurisdictions did not extend to the burghs, where alone they could have been of much use to the revenue, a proclamation² was issued in August 1707, reviving the office of Justice of the Peace as confirmed by statute in 1661, and conferring upon it not only the powers granted in that commission, but all that belonged to it under the English Acts, especially in so far as these related to the Customs and Excise.

This proclamation, however, was legally dependent on a relic of the old constitution which was soon to be swept away. The 19th article of the Union had provided that a Privy Council might be continued in Scotland until the Parliament of Great Britain should think fit to alter or abolish it; and that Parliament, which met on October 23, had existed for less than two months when a proposal to adopt the second of these alternatives was brought forward under the title of "A Bill for rendering the Union of the Two Kingdoms more entire and complete." The project had indeed been mooted before Parliament met; for Cunningham, the historian, informs us that in this summer he had formed in its favour "a combination of some of the chief of the Scots,"³ who, undoubtedly, were the leaders of the Squadrone. We have seen that these men, the true representatives of a party which had been formed to resist English domination, had concurred in the Union, as they came reluctantly to see that the legislative independence of Scotland was neutralised by the subordination of its executive

¹ Forbes's *Justices of the Peace in Scotland*, 1707, Preface.

² Defoe, p. 692.

³ Cunningham, ii. 71.

to the English Crown;¹ and they now favoured the abolition of the Council because they believed that it was through this court, which controlled the parliamentary elections by issuing the writs and supervising the returns, that Queensberry and the old official class hoped still to retain their power. When the Bill was brought into the Commons, it was keenly opposed by Godolphin and most of the Ministers on the ground that a separate administration in Scotland was necessary to overawe the Jacobites and to repress anti-Unionist feeling; but, as the measure was acceptable to the Whigs, and for obvious reasons to the Tories, it was easily carried. The Whigs had, indeed, an hereditary quarrel with courts which Lord Somers described as "mixed of state and justice"; and they argued with great force that, if the Scottish Council had abused its authority under the Stewarts, when there was a national Parliament to keep it in check, it was much more likely to do so now, when Scotland, for redress of its grievances, could rely on only a fraction of the legislative power. In the Upper House the Bill was supported by the Dukes² of Montrose and Roxburgh—both members of the Council, and the former its President—as in the Commons it had been supported by Baillie. An amendment was moved that the abolition of the Council should be postponed for five months, from May 1 to October 1, 1708, on the plea that the Commission of the Peace for discharging its judicial functions could not sooner take effect.³ This proposal, not unreasonable in itself and supported by so good a Whig as Lord Cowper, was rejected as an attempt to influence the

¹On this point see Burnet, v. 362, note.

²Created April, 1707.

³In point of fact, the Commission was not issued till May 13, 1708, and did not come into force till August.—Defoe, pp. 584, 594.

general election which was to take place next summer ; but the Bill passed the Lords by only five votes, and 26 peers protested against it on the ground that the date had not been altered, and that the heritable jurisdictions were encroached upon by the powers assigned to the Justices of the Peace.¹

The last days of the Scottish Privy Council were to be spent in curbing those Jacobite intrigues, with which, according to its advocates, it was peculiarly fitted to cope. In the spring of 1707, after the completion of the Union, Colonel Hooke, the French emissary, had again visited Scotland. He found the Jacobites ready enough to take arms ; but the zeal of the majority under the Duke of Athol was tempered by the caution of a few who adhered to Hamilton ;² and, as this dissension was reproduced at the exiled Court, where Hamilton was favoured by the Earl of Middleton and Athol by the Duke of Perth,³ it is probable that the warlike offers conveyed by Hooke had less effect in stimulating a French descent than what he reported of the general repugnance to the Union and of the incapacity of its friends to resist an attack. Through Ker of Kersland, Queensberry's agent, the Government as early as June had full information of the plot ; but they treated it with an indifference—even after the English public had become alarmed—which in some quarters was attributed to disloyalty,

¹ Cunningham, ii. 71, 135-141 ; Burnet, v. 304, 359-362 ; *Hardwicke State Papers*, ii. 473-478 ; *Somers Tracts*, xii. 623-630 ; *Parl. Hist.* vi. 614, 668.

²They did well to be cautious ; for Hooke made it his business "earnestly to engage the Scots as far as I could, and at the same time engage the King to nothing."—*Secret History of Colonel Hooke's Negotiations*, p. 15.

³Lockhart, i. 229.

but which is said to have been due to the fact that Marlborough and his friends wished the Pretender to land as the likeliest means of counteracting the general desire for peace.¹ At all events, in February 1708, when Queen Anne announced to the Privy Council that the French were collecting ships at Dunkirk for an invasion of Scotland, nothing whatever had been done to put that country in a state of defence. Parliament in the preceding December had indeed voted an increase of the regular forces to 6000 men; but, three months later, there were only 1500; and Leven, the commander-in-chief, wrote on March 13 that his handful of troops were "almost naked," and that he had not "one farthing of money." In Stirling Castle there was only one barrel of powder, and none at all in Dumbarton; and the Castle of Edinburgh was no more secure than in the previous summer, when the Jacobites had talked of seizing the Equivalent in the belief that there were only 35 men fit for duty.²

For such neglect, however, which was nearly as bad in England, the vigour and promptitude of the Admiralty made ample amends. No opposition was expected at Dunkirk, as the only British warships then in the Channel had been told off to protect a merchant convoy; but with "incredible diligence" a new and more powerful fleet was fully equipped; and the French were so discouraged by the appearance of this squadron, which was much superior to their own, that they began to disembark their troops. On receipt of fresh orders from Paris, they contrived to get to sea with the Pretender on board; but Admiral Byng, who had been driven off the coast by

¹ Cunningham, ii. 152.

² *Parl. Hist.* vi. 767-773; Ker's *Memoirs*, pp. 46, 50, 54.

storm, followed them within about twelve hours; and, though they reached the Forth, they were overtaken on March 13 off the May Island, and succeeded with difficulty in making good their escape.¹

Though the Union sustained no direct harm from this French expedition, it was injuriously affected by some of its results. Twenty-two persons,² including Belhaven and Fletcher, had been arrested on suspicion; and the national sentiment was wounded afresh when, on receipt of orders which were countermanded too late,³ they were brought up to be examined in London. Partly for lack of evidence, and partly because Hamilton, one of their number, had made terms with the Whigs, they were all released, except three, who, having actually appeared in arms, were sent back to Edinburgh for trial. When proceedings opened on November 10, 1708, the judges repelled all the objections that were raised to the relevancy of the charge; but they involved themselves in a controversy with the Lord Advocate, which was continued in print, by disallowing some of the chief witnesses for the prosecution on the ground that the prisoners had not been furnished with their names; and this dispute, resulting in a verdict of not proven, was regarded at Westminster as exposing a system, or want of system, which was a danger to the State. It had hitherto been supposed that the treason law of Scotland was more severe than that of England; but in March 1709, a Bill was brought into the Commons, and, having been dropped

¹ Rapin and Tindal, xxii. 411-426; Defoe, pp. 3-6; *Hooke's Negotiations*, pp. 138-162.

² Ralph's *Use and Abuse of Parliaments*, i. 156.

³ Fraser's *Melvilles and Leslies*, ii. 225.

there in committee, was resumed in the Lords, for repealing the Scottish law on the assumption, which proved to be well founded,¹ that it was the less rigorous, if also the more arbitrary, of the two. This Bill "for improving the Union" was advocated on much the same grounds as had been alleged for the abolition of the Council, but, unlike that measure, it was opposed by all the Scottish representatives, including the Squadrone. The Scots succeeded only in carrying two amendments, which, moreover, were not to take effect till the death of the Pretender, and were afterwards postponed to the death of his sons—one that the names of the witnesses and jury should be submitted to the accused ten days before his trial, and the other that no estate in land should be forfeited for treason. A protest against the Bill as an encroachment on the judicial independence of Scotland was signed by all but three of the sixteen peers, as well as by Bishop Burnet, and by Queensberry and Argyll under their English titles of Dover and Greenwich.²

These measures for improving the Union were not conceived in a wholly disinterested spirit; and, in order to understand their origin, it will be necessary to consider how far the balance of parties at Westminster had been affected by the advent of the Scots. We have seen that the interest of Marlborough and Godolphin in a vigorous prosecution of the war had brought them more and more into alliance with the Whigs; and they took a further

¹ Laing's *History*, ii. 347.

² Burnet, v. 401-409; Cunningham, ii. 159, 211-214; *State Trials*, xiv. 1395-1418; *Parl. Hist.* vi. 798. Lord Marchmont approved of the Bill.—*Marchmont Papers*, iii. 354.

step in this direction at the close of 1706, when Sunderland, one of the Whig Junto,¹ became Harley's colleague as Secretary of State. They knew that this policy, however favourable to the Union, which she had much at heart, was most obnoxious to Anne; but they were slow to realise that the difficulty they experienced in preventing the promotion of Tories in the Church was due to the influence of Harley, who, with the aid of Mrs. Masham, the rival of the Duchess of Marlborough, had undermined their ascendancy at Court; and, this intrigue having at last become notorious, they offended the Queen without conciliating the Whigs, since they would neither give way to Harley nor insist on his dismissal. When the first British Parliament met, after the failure of an attempt on Toulon, in October 1707, the Whigs united with the Tories in attacking the Admiralty, the head of which, under Prince George, was Marlborough's brother, and with the Tories and Squadrone in demanding the abolition of the Scottish Council; and the two statesmen then perceived that they must either commit themselves wholly to one of the two parties or incur the hostility of both. In February 1708, by absenting themselves from the Cabinet, they forced the Queen to accept the resignation of Harley, whose position had been weakened by the discovery that a clerk in his office was selling State secrets to France. Harley was succeeded by Boyle, a zealous Whig; and the few Tories, such as St. John, afterwards Viscount Bolingbroke, who still remained in the Ministry, were all dismissed. Anne's political antipathies, however, were not yet overcome; and, when the Whigs found that their utmost

¹ Comprising, in addition to Sunderland, Halifax, Wharton and Somers.

exertions were insufficient to procure a seat in the Cabinet, even without office, for Lord Somers, they attempted, in view of the approaching elections, to obtain such an influence in Parliament as should enable them to coerce the Government, if not to drive it from power. For the success of this intrigue, which Sunderland, despite his official position, had the audacity to direct,¹ they looked chiefly to Scotland; and, having drawn closer their relations with the Squadrone, and won over Hamilton and the Jacobite prisoners by procuring their release, they hoped to capture the entire Scottish representation in "two plumb lists." Against such opponents, however, Godolphin could count on the full authority of the Crown; the Presbyterians recoiled from the Jacobites; and, after a very keen contest, the coalition succeeded in returning only five of the sixteen peers, and only eleven of the Commons. Just before Parliament met on November 16, 1708, the Whigs carried the promotion of Somers by threatening to attack both Admiral Churchill and his nominal chief, Prince George, who was then on his deathbed; and, their allies having proved of little use, they did not scruple, as we have seen, to desert them by supporting the Treason Bill.²

The keenness with which this election, the first to a British Parliament,³ had been contested in Scotland

¹ The Secretary of State was certainly audacious who could write thus to Roxburgh: "I would not have you bullied by the Court Party, for the Queen herself cannot support that faction long."—*The Other Side of the Question*, p. 380.

² Coxe's *Marlborough*, *passim*; Ralph's *Other Side of the Question*, pp. 376-382.

³ The first British Parliament, it will be remembered, was the existing English Parliament, with the addition of certain peers and commons elected by the Scottish Estates.

was made manifest by the number of disputed claims which the two Houses were called upon to decide. The Commons disqualified two, if not four, members¹ on the ground that by the usage of the Scottish Parliament, which in terms of the Union was to be extended to the Parliament of Great Britain, no constituency could be represented by the eldest son of a peer; and this was regarded as a severe blow to the peerage, the great majority of which had supported the Union, and not less to the Crown, which through its influence with the nobles had hoped to gain support in the Commons. The questions submitted to the Lords were much more numerous; and here it was decided—in addition to many points of procedure²—that a British peerage, such as that of the Duke of Queensberry, disqualified its holder for voting at the election of Scottish peers.

Reference has elsewhere been made³ to the change of Ministry which followed the impeachment of Sacheverell for two very violent sermons delivered in August and November 1709. The ebullition of Toryism excited by this trial occurred at a time which made it peculiarly gratifying to the Queen; for the Whigs had followed up the advancement of Somers by extorting from her the Admiralty and the Lord Lieutenancy of Ireland; the conduct of the Duchess of Marlborough had quite exhausted her patience; and the Duke had alarmed her by asking for the office of Captain-General for life. On March 17, 1710, after a trial which had engrossed public attention for three

¹ Lockhart (ii. 298) says that Lords Haddo, Johnston, Strathnaver and the Master of Rothes were disqualified; but Cobbett's *Parliamentary History* (vi. 758) mentions only the first two.

² For these see Robertson's *Scottish Peerage Proceedings*, pp. 33-36.

³ See p. 198.

weeks, the Lords found Sacheverell guilty by 69 votes to 52; but his condemnation was regarded as virtually an acquittal when no heavier censure was imposed upon him than that he should be suspended from preaching for three years, and that his sermons should be burnt. Meanwhile Harley had been exerting himself to divide the Whigs; and, having induced them to abandon Sunderland, who was replaced by Lord Dartmouth, a violent Tory, he ventured in August to procure the dismissal of Godolphin and to form a new administration, with himself at its head.

Sacheverell in his charges against the late Ministers had not failed to reproach them for negotiating the Union; and, if the unpopularity of that measure in Scotland had only increased under the conduct of those whose credit was involved in making it a success, it was not likely to diminish now, when the party opposed to the Union had come into power.¹ "Such is the temper of the people at this juncture," wrote Wodrow in September 1709, "that they cannot hear that Act spoken of by ministers, even by way of narration";² and we have seen how great was the exasperation of the Presbyterians when they found that the compact with England, sinful as it was, could not protect them from such evils as the Toleration and Patronage Acts. These measures, though dreaded from the first, were not introduced till 1712; but by that time several things had occurred to aggravate the national discontent. The Scottish representatives complained that the commercial interests of their country were disregarded by Parliament, particularly in the imposition of an export duty

¹ Harley, as a member of the former administration, had, of course, promoted the Union.

² *Correspondence*, i. 41.

on British linen; and they failed to carry a Bill—which, however, in an amended form, was afterwards passed—for the making of roads in the Highlands in order to enable Scotland to compete in articles of naval construction with America and the Baltic States. The Duke of Hamilton, one of the sixteen nobles chosen at the election of 1710, had been created a British peer; but the Lords, though they had submitted to the elevation of the late Duke of Queensberry, probably because he was a Whig, not only refused to admit Hamilton as Duke of Brandon, but resolved by a majority of five that no Scottish peer could sit as a peer of Great Britain,¹ their motive no doubt being that, as the Scottish nobles were mostly at the disposal of the Crown, they dreaded an exercise of the royal prerogative more gradual, but no less effective, than that which took place a week or two later when twelve peers, all Tories, were created in order to secure a majority in favour of the peace. Queen Anne vainly represented the injustice of this decision; and the Scottish lords were so dissatisfied that for several days they absented themselves from the House. Marlborough had been superseded when the new peers were created in January 1712; and, with the progress of the negotiations at Utrecht, a fresh difficulty arose. We have seen that the 14th article of the Union as amended by the Estates provided that Scotland should be exempted from the malt tax during the continuance of the war; but in May 1713, though the last of the series of treaties—that between Great Britain and Spain—had not yet been concluded, a Bill passed the Commons, subjecting

¹ This decision was reversed, in the case of another Duke of Hamilton, in 1782.—Somerville's *Queen Anne*, p. 459, note.

Scotland to the full English malt duty of 6d. a bushel; and the measure was resented as grossly unjust, since Scottish malt, being greatly inferior to English, fetched only a third of the price. Lockhart remarks that "this was the first instance since the Union of a national disposition against Scotland";¹ and, though the passage of the Bill by no means merited such a description, its terms were sufficiently grievous to produce a somewhat alarming result. At a meeting of the Scottish representatives in both Houses it was unanimously resolved that a proposal to dissolve the Union should be introduced in the Lords.² On June 1 the Earl of Findlater, formerly Earl of Seafield, moved for leave to bring in a Bill for this purpose. The motion was supported by the Whigs, and opposed as inexpedient and unconstitutional by the Tories; and, the peers present being equally divided—54 on each side—it was rejected by 17 proxies to 13.³

The Union had thus been saved by its enemies, and all but upset, or at least unsettled, by its friends; and this would doubtless be a very remarkable occurrence, were it not evident that the whole affair was little better than a solemn farce. It was not conviction, but a regard for their respective interests, which had induced the two parties on this occasion

¹ Lockhart, i. 416. He explains his words to mean that "almost every man voted against the Scots"; but this is a monstrous exaggeration; for a motion that the Scots should pay only half the English duty was lost "by one single vote only," and the Bill, in its final form, passed by 139 votes to 104.—*Parl. Hist.* vi. 1215. Lockhart was not a scrupulous person. He promoted the Toleration and Patronage Acts, and then published pamphlets against them to inflame the Presbyterians.—i. 418.

² Baillie showed some reluctance.—Lockhart, i. 413, 431. None of the leading Squadrone peers were members of this Parliament.

³ Lockhart, i. 326, 332, 341-344, 414-436; *Parl. Hist.* vi. 1046, 1047, 1066, 1214-1220.

to change sides. As the Union was extremely unpopular in Scotland, and as a general election was to take place within a few weeks, the Scottish Whigs, irritated as they were by the Malt Bill, did not venture to oppose the motion for repeal when it was urged upon them by Lockhart. Their English friends professed their readiness to dissolve the Union, provided that other means, equally efficacious, could be devised for securing the Protestant succession; but their chief object was to embarrass the Ministry, which was bound to resist the motion, however welcome to the Tories, at a time when its attention was engrossed by the declining health of the Queen. Lockhart remarks that some of the Scottish Whigs, though they affected to approve of it, were evidently "thunder-struck" at his proposal; and the Earl of Findlater quite exposed the character of the task imposed upon him in the Lords—he showed such uneasiness, and "made so many apologies for what he was to do." "It was very comical," wrote an English politician to Swift, "to see the Tories who voted with lord treasurer against the dissolution of the Union under all the perplexities in the world lest they should be victorious; and the Scotch who voted for a bill of dissolution under agonies lest they themselves should carry the point."¹

Amongst the most zealous supporters of the motion were Argyll and his brother Lord Islay; and, in view

¹ Swift's *Works* (Scott's edition), xvi. 71; Lockhart, i. 425, 435; Burnet, vi. 160. There can be little doubt that Swift's correspondent was right in thinking that both parties voted contrary to their convictions; but it seems to have been supposed in Scotland that the Tories voted against the motion from their belief that, if the Scottish Parliament was restored, it would establish the Hanoverian succession. See Clerk's *Memoirs*, p. 88; *Memoirs of Great Britain*, 1715, p. 273; and Rae's *History of the late Rebellion*, 1718, p. 34.

of his recent conduct, Argyll's inconsistency could excite no surprise. Cunningham, his friend and former tutor, remarks that a regard for his hereditary rights of jurisdiction caused him to oppose both the abolition of the Council, which he had engaged to promote, and the Treason Bill.¹ In March 1710, when, after voting for the condemnation of Sacheverell, he concurred with the Opposition in suspending him for only three years, Marlborough wrote, "I cannot have a worse opinion of anybody than I have of the Duke of Argyll";² and extreme jealousy of Marlborough, whose services he depreciated in Parliament, was no doubt his reason for deserting the Whigs. The Queen rewarded him with the Garter and the command in Spain; but the Ministry, intent on peace, gave him so little support that he had to raise money on his own credit to pay his troops; and, though appointed on his return in 1712 to the Scottish command, he attached himself to the Opposition, and was dismissed in 1714.³

The Scottish Whigs, unlike the English, had honest as well as factious motives for attacking the Union; and it should in fairness be remembered that party strife at this period was quite abnormally keen. The Protestant succession was favoured by a section of the Tories, and, having the great advantage of legal recognition, was constantly acknowledged by both Parliament and the Queen; but, in spite of his protestations to the contrary, it was not impossible that Prince James, known to his friends as the Chevalier de St. George and to his enemies as the Pretender⁴ might

¹ Cunningham, ii. 138, 213.

² Coxe's *Marlborough*, iii. 26.

³ Douglas's *Peerage*, i. 108-109, and Sir James Balfour Paul's *The Scots Peerage*.

⁴ Argyll in the Union debate of 1713 said that his name was "as uncertain as his parents."—*Parl. Hist.* vi. 1219. James was born a

renounce the creed which was almost the sole obstacle to his success; and the attitude of the Ministry was so ambiguous that it could not fail to excite alarm. Argyll in this session accused them of distributing £4000 yearly amongst the Highland chiefs—they were also conniving at the importation of arms¹—and of remodelling the forces in the Jacobite interest, a scheme which was indeed being zealously prosecuted by the Duke of Ormond, who had succeeded Marlborough as commander-in-chief. Early in 1714 Anne had a serious illness; and as Harley, now Earl of Oxford, was quite irresolute, Bolingbroke, whom the Jacobites regarded as their leader, assumed more and more the direction of affairs. In February the outlook had become so uncertain that an adherent of the Stewarts predicted that the Crown would go to whichever of the two claimants arrived first in London after the Queen's death;² and in April a motion that the Hanoverian succession was in danger under the present Government was supported by a Tory revolt in both Houses, and in the Lords, where it was defeated by only twelve votes, by all but three of the bishops. On July 27, after a violent altercation, Bolingbroke succeeded in procuring the dismissal of Oxford; but on the 29th the Queen became critically ill; and Bolingbroke's attempt to form a wholly Jacobite

few months before his father's deposition; and Mr. Lecky points out (*History of England*, 8vo edition, i. 14) that the popular belief that he was supposititious had much to do with the success of the Revolution.

¹ *Parl. Hist.* vi. 1336, 1339; Lockhart, i. 377. The Government maintained that they were merely continuing William III.'s policy of pensioning the chiefs.

² Macpherson's *Original Papers*, ii. 557. The critical prospects of the succession at this period are admirably set forth by Mr. Lecky.—i. 164-207.

administration was suddenly arrested by the Dukes of Shrewsbury, Somerset and Argyll—a Hanoverian triumvirate, whose defection in 1710 had contributed to the fall of the Whigs. Argyll and Somerset appeared unbidden at the Council, and Shrewsbury, Lord Chamberlain and Lord Lieutenant of Ireland, was then appointed Treasurer. Anne died on August 1; and on the same day the Elector of Hanover was proclaimed King as George I.

It is possible that the change of dynasty might have been effected without bloodshed if an effort had been made to obtain for it national recognition; for the Tory majority in the Commons, not content with voting a dutiful address, proposed, though the design was dropped, to give the new sovereign a much larger provision for his Civil List than had been granted to Queen Anne; but a foreign prince, unacquainted with even the language of his subjects,¹ could hardly have succeeded in so delicate a task as that of maintaining a composite Ministry; and George I. never showed the least disposition to make such an attempt. On the day on which he set out from Hanover, which was not till August 31, Bolingbroke was contemptuously dismissed; on September 19, the day after his arrival at Greenwich, he barely admitted Oxford to kiss his hand, whilst Ormond, who was hastening to offer his congratulations, was denied an audience; and, under Lord Townshend as Premier, an administration was formed, which, with the doubtful exception of Nottingham, consisted wholly of Whigs. The populace, which

¹In a well-known manifesto the rebels of 1715 referred to King George as a foreign prince, who, "notwithstanding of his expectations of the crown for fifteen years, is still unacquainted with our manners, customs, and language." He might surely have taken the trouble to acquire a little English.

had shouted for "High Church and Sacheverell," soon showed its resentment of the fact, deplored on his dismissal by Bolingbroke: "The grief of my soul is this, I see plainly that the Tory party is gone." The coronation on October 20, and the general election, very favourable to the Whigs, which took place at the beginning of 1715, were both attended by serious riots; and these were renewed on May 28 and 29 and on June 10, the birthday of George I., the anniversary of the Restoration, and the birthday of the Chevalier.¹ In March, after the Commons in their reply to the King's speech had announced their intention to bring the late Ministers "to condign punishment," Bolingbroke fled to France; and in August Ormond followed him, leaving Oxford, who had resolved to stand his trial, a prisoner in the Tower.²

Bolingbroke remained for some time professedly loyal; but, on hearing that he was to be attainted for treason, he openly joined the Pretender, who made him his Secretary of State, and endeavoured to organise a Jacobite conspiracy embracing both England and Scotland, and dependent on the support of France. The precipitate flight of Ormond, who had engaged to seize the western seaports, was very prejudicial to this plot, but a more serious blow was the death of Louis XIV., which took place on September 1.³ Though compelled by the Treaty of Utrecht to renounce the cause of James and to expel him from France, Louis had concerted certain measures on his behalf, which, in the opinion of Bolingbroke, would soon have led to a

¹ Rae's *History of the Rebellion*, *passim*.

² Lord Mahon's *History of England*, 1836, i. 143, 150-153, 177, 180, 188; Coxe's *Marlborough*, iii. 377-378.

³ Old Style, August 21.

renewal of the war; but his successor was a sickly child of five; and the Duke of Orleans, who acted as Regent, being the next heir after Philip of Spain, had the same interest as George I. in maintaining a treaty which excluded equally the Stewarts from England and the Spanish Bourbons from France. Orleans at once dismantled some ships, of which the British Government had complained, at Havre;¹ and Bolingbroke, believing that nothing could or would be done in England without French help, endeavoured to postpone the Scottish enterprise, the management of which had been entrusted to the Earl of Mar. His agent, however, on reaching London, found that Mar had already started to raise the Highlands, in obedience to secret orders from the Chevalier.²

The Scottish Jacobites could hardly be congratulated on their leader, for Mar, though a very adroit politician, had no more military experience than was consistent with his having commanded a regiment for King William in time of peace.³ Succeeding in 1689 to

¹ Unwillingly, however, according to the Duke of Berwick; for Orleans feared that the Whig Ministers of George I., particularly as they had refused his offer of an alliance, might repudiate a treaty which they had so strongly denounced.—*Collection des Mémoires relatifs à l'Histoire de France*, lxvi. 245. From the same motive he continued to connive at the shipping of arms for Scotland.

² The very explicit statement of Berwick (*Mémoires*, p. 246) to this effect is inconsistent with James's letter to Bolingbroke of September 23, printed by Lord Mahon, vol. i., appendix, p. xxiii.; but this letter was probably intended to deceive. Huntly, before the battle of Sheriffmuir, taxed Mar with having received Bolingbroke's letter.—The Master of Sinclair's *Memoirs* (Abbotsford Club), p. 213.

³ Mar may have been intended merely to prepare the way for the Duke of Berwick, James's natural brother; but Berwick, being a Field-Marshal of France, refused to accept the command in Scotland without the Regent's consent.—*Mémoires*, p. 253; *Stuart Papers* (Hist. MSS. Commission), i. 451. In 1719 he even led an army against Spain at a time when it was supporting his brother.

estates which were heavily encumbered owing to the loyalty of his grandfather and great-grandfather in the Civil War, he had attached himself to Queensberry, whose friends he headed in their opposition to the Squadrone Ministry of 1704. In 1705 he introduced the Act for a treaty of union with England,¹ and, as Secretary of State in succession to Annandale, was so very zealous in promoting that measure that the private meetings of the Scottish Commissioners in London were usually held at his house.² On the fall of the Whigs in 1710 he joined the Tories, and in 1713 became third Secretary of State, an office which he was to have retained in Bolingbroke's intended Ministry. In the same year he seconded Lord Findlater's motion against the Union, but probably saved his credit with the Government by acquiescing in a proposal of Lord Halifax that the debate should be adjourned.³ On the death of Queen Anne he concurred with his colleagues in paying court to the new sovereign, and even outdid them by writing to George an extremely loyal letter, and by procuring another to himself in a similar strain from some of the Highland chiefs.⁴ He was one of the first Ministers to be dismissed; and on August 2, 1715, just before the flight of his fellow conspirator, Ormond, he embarked in disguise on a collier, with Generals Hamilton and Gordon, to begin the rising in Scotland. On the previous day, it is said, he had attended the King's levee.⁵

¹ Lockhart, i. 126.

² Clerk's *Memoirs*, p. 87.

³ *Parl. Hist.* vi. 1219.

⁴ *Original Letters relating to the Rebellion*, p. 5.

⁵ Mar was somewhat deformed, being hunchbacked, and is described by Lockhart (i. 114) as "a very bad though very frequent speaker in Parliament."

On July 20, in giving his assent to what is known as the Riot Act, George had announced to both Houses that the country was threatened with invasion; and the prompt measures now taken were a striking contrast to the lethargic attitude of an earlier Whig Ministry when a similar danger was apprehended in 1708. The Habeas Corpus Act and its Scottish equivalent were immediately suspended; the fleet was mobilised; new regiments were raised and suspected officers cashiered; a force of 6000 men, provided for by treaty in defence of the Protestant succession, was demanded from Holland: a reward of £100,000 was offered for the capture of the Pretender, alive or dead; and an Act was passed to encourage loyalty in Scotland, requiring suspected persons to appear, when summoned, at Edinburgh, granting to loyal vassals of superiors who should be attainted for treason the freehold of their estates, to the loyal tenants of such superiors a two years' exemption from rent, and, to a loyal superior, the estate of his rebellious vassal.¹

The first year of the new reign had been marked by much less disturbance in Scotland than in England, though the populace of Glasgow raided an Episcopal meeting-house, and an order of the magistrates forbidding the celebration of the King's birthday might easily have provoked a riot in Dundee. At the general election the Government secured a majority of the peers and all but five of the commons: and the Jacobites, who had hoped to avert such a result by parading their hostility to the Union, found that they had greatly mistaken the temper of their countrymen when they supposed that the general dissatisfaction with that

¹ The Act is well explained by Hill Burton, viii. 265.

measure would prove a more potent force than anti-popery zeal.¹ The General Assembly, whilst drawing up a memorial against toleration and patronage, not only voted a most loyal address, but deposed two ministers who had not observed the thanksgiving day for the King's accession. In July, when news of the threatened invasion reached Edinburgh, a new municipal force was hastily levied, and two associations were formed—one offering service, and the other both service and money—the members of which homologated the Union, as Wodrow would have said, by pledging themselves to assist each other in defence “of our holy religion, civil liberties, and most excellent constitution in Church and State.” This proceeding was too suggestive of the Covenant to meet with acceptance at Court, particularly as a circular letter of a highly religious strain was sent in its favour to many parishes, and was read from the pulpit;² but some 400 of the Edinburgh citizens, who had given this proof of their loyalty, were allowed to form themselves into a corps known as “The Associate Volunteers.” Throughout the south and south-west, where Jacobite landowners were known to have been collecting horses and weapons, the same enthusiasm prevailed. Almost all the principal towns from Glasgow to Kirkcudbright, and from Kirkcudbright to Kelso, raised companies; parishes were mustered by the minister, who in many cases actually took arms; and throughout this district a spirit was evoked which had hardly been known there since the days of the Whiggamore Raid.³

¹ Wodrow refers to the Jacobite conspiracy as “this wicked plot of hell—Rome against the Reformation.”—*Correspondence*, ii. 154.

² *A Compleat History of the Late Rebellion*, 1716, p. 7.

³ *Rae's History*, pp. 174-186; *Wodrow's Correspondence*, ii. 70.

The collier, on which Mar embarked at London on August 2, took him to Newcastle, whence in another vessel he made his way to Elie in Fife. On the 20th he arrived at his castle of Kildrummie in Braemar; and here within a week he was joined by a great company of nobles and gentlemen whom he had invited, ostensibly to a deer-hunt, from all parts of the country, even from the furthest south. As these were all Jacobites and were told that there was to be a rising in England, that the Pretender was assured of assistance from France, and was coming in person to put himself at their head, they were easily induced to take arms; and the standard of the exiled dynasty was raised at Kirkmichael on September 6. Soon afterwards, though somewhat discouraged by the death of Louis XIV., the insurgents published a manifesto¹ asserting the right of their sovereign James VIII., in which they paid a most undeserved compliment to the consistency of the Whigs by blaming them, not only for having effected the Union, which Mar had discovered to be a grand mistake, but for having frustrated the recent attempt to procure its repeal. The Act for encouraging loyalty was now found to have quite an opposite effect; for, of 62 persons who were summoned to Edinburgh, only two appeared, and almost all the rest, not wishing to be imprisoned on suspicion, joined Mar.²

¹ Printed in Chambers' *History of the Rebellions in 1689 and 1715* (Constable's Miscellany), p. 191.

² Sinclair's *Memoirs*, p. 36; *Annals of King George*, ii. 35; Rae, pp. 187-191, 211. The fear of imprisonment was at least the reason assigned for his rebellion by Rob Roy.—Sinclair, p. 201, note. Mar's chief supporters were the Marquis of Huntly and the Marquis of Tullibardine, eldest sons of the Dukes of Gordon and Athol; the Earl Marischal; the Earls of Errol, Nithsdale, Winton, Traquair, Southesk, Strathmore, Carnwath and Seaforth; Viscount Kenmure; and Lords Duffus and Drummond. Lord Duffus, a very gallant naval officer, had supported the Union in 1707.

The rebellion made a very promising start. An attempt of some of the citizens to surprise Edinburgh Castle was detected just in time to prevent its success; but Mar on September 18, anticipating a movement of some Fife levies under the Earl of Rothes, sent a party of horse to occupy Perth. Ten days later, when he himself entered the town, his forces amounted to 5,000 men. Pushing his power southward, he soon controlled the whole of the east coast from the Moray Firth to the Firth of Forth; and, though disappointed in the supplies shipped for their use at Havre, the rebels about this time succeeded in landing three consignments of arms from France, and, at Burntisland on October 2, in seizing a vessel freighted with a similar cargo for the Earl of Sutherland, a veteran of William's wars, who in his own northern territory was raising men for King George.¹

Meanwhile, about the middle of September, the Duke of Argyll had arrived in Scotland to take command of the royal troops, which, under his predecessor, General Wightman, had entrenched themselves at Stirling in the same position as David Leslie's army in 1650 after the battle of Dunbar, and with the same object, except that an attack was expected from the north, not from the south. As the forces at Argyll's disposal were only 1,850, and by the end of October, when Mar was credited with some 16,000, were still only 3,250—for the Government was too busy in the south-west of England to send troops, and the few that did come were sent from Ireland—it is difficult not to agree with the Duke of Berwick that if the insurgent General had advanced on Stirling as soon as he had mustered the bulk of his force, no serious

¹ *Compleat History*, pp. 22-24, 37-39; *Annals*, ii. 41-47.

resistance could have been made.¹ It should, however, be remembered that Cromwell in 1650 had not ventured to assault the Scottish lines at Stirling, held though they were by the ragged and starving remnant of a defeated army; and, as Cromwell had sent a force into Fife to outflank Leslie, so Mar now attempted a more complicated movement, according to which the west Highland clans, under General Gordon, were to take Inveraray and descend upon Argyll from the north-west, whilst another force, combining probably with rebels who had declared themselves in Nithsdale, was to advance against him from the south-east.² Early in October Brigadier Macintosh was detached with 2,500 men to attempt a crossing at the mouth of the Firth; and, despite the vigilance of several war-ships, he contrived to carry over in open boats at least three-fifths of his corps.³ On October 14, after collecting his force at Haddington, he transgressed or exceeded his instructions by marching on Edinburgh; but finding, when he had arrived within a mile of the city, that the citizens were arming and that Argyll in person had come to their help, he turned off towards Leith, and there fortified himself in the Citadel, a disused fort. Argyll did not venture an assault;⁴ but the garrison, knowing that he would soon return with artillery, marched off eastward under cover of darkness to the friendly stronghold of Seton Castle. Mar now assisted his subordinate, whose dash on Edinburgh he

¹ *Mémoires*, p. 247. Compare Sir Walter Scott's Introduction to Sinclair's *Memoirs*, p. xvi, and *Annals*, ii. 53.

² Sinclair, pp. 148, 187.

³ The greater part of six Highland regiments. Their leader, according to the Master of Sinclair (p. 255), had nothing to recommend him but "ignorant presumption and an affected Inverness English accent."

⁴ Clerk's *Memoirs*, pp. 89-90.

characterised as "an unlucky mistake" by threatening Stirling and so recalling Argyll. On the 19th, on receipt of fresh orders and an invitation from Northumberland, Macintosh marched south, and, three days later, joined the Scottish and English insurgents, now united, at Kelso.¹

Jacobitism in this quarter had made considerable noise, but it proved to be extremely weak. Viscount Kenmure and the Earls of Nithsdale and Carnwath, when they returned to their estates from the so-called deer-hunt in Braemar, could induce very few of their tenantry to take the field;² an attempt to surprise Dumfries was foiled by the vigilance of the townspeople; and, when they had joined their Northumberland friends under Forster and the Earl of Derwentwater, who had just failed in a similar design on Newcastle, the combined force amounted only to about 600 horse. These people, less accustomed to bear arms for King James than to drink his health and very susceptible to false alarms,³ had been roving about without any very definite idea as to what they meant to do; and the arrival of the Highland contingent, instead of helping them to a decision, occasioned a keen dispute. Macintosh and the Earl of Winton wished to march westward by Dumfries and Glasgow, in order either to join the clans under General Gordon or to co-operate with Mar in an attack on Stirling; and, when this advice was rejected, they proposed to close at once with General Carpenter, an officer of great experience, who was then at Wooler with a much inferior force. The English,

¹ Rae, p. 258-268.

² *Ibid.*, p. 257.

³ On one occasion a countryman calling Help, which happened unfortunately to be the name of his dog, caused such alarm amongst the Scottish insurgents that "some of them cut up their boots for haste to get them on."—Rae, p. 254.

however, would hear of nothing but an advance into Lancashire, where they counted on being well received. After three aimless marches to Jedburgh, Hawick and Langholm, Macintosh, having been won over, induced most of his men—about 400 deserted—to fall in with this scheme; and on October 31 the insurgents, about 1,700 strong, entered England by the same fatal road which on two previous occasions, in 1648 and in 1651, had been traversed by the standards of the house of Stewart. On November 7, after a wet but rapid march, they reached Lancaster, where recruits began to come in, and on the 9th the cavalry entered Preston. Here many Catholics joined them, and here for three days the weather-worn officers gave themselves up to love-making and feasting—the Preston ladies, happily for the Government, being as fascinating as they were disloyal—ignorant or regardless of the fact that General Wills was collecting troops at Manchester, and that General Carpenter was hurrying across from Durham. Foster, who had a commission from Mar to command in England, proved utterly incapable,¹ and it was probably under the direction of Macintosh that barricades were erected in the centre of the town. Wills's attack on the 12th was beaten off with considerable loss; but on the morning of the 14th, finding themselves surrounded by the united forces of Wills and Carpenter, the insurgents surrendered and laid down their arms.²

¹ He had a habit of retiring to bed on critical occasions—for example, when he heard of Wills's advance—which would have been advantageous to his troops, had he not been equally prone to countermand the orders given during his repose. He seems to have been the only man in both armies who went to bed after the first day's fighting at Preston.

² Patten, pp. 1-93; Rae, pp. 246-280, 316-322; *Lancashire Memorials of 1715, passim*. The capitulation is often dated the 13th, but it was not completed till seven o'clock on the following morning.

The insurrection, thus crushed in the north of England, had in the south-west been strangled at its birth. Ormond, on reaching Paris, had attempted to resume the intrigues which had been interrupted by his flight; but, owing to the treachery of Colonel Maclean, his chief confidant, the Government had no difficulty in anticipating his designs. A suspected garrison was removed from Plymouth, or at all events reinforced; troops were marched to Bath and Bristol, as well as to Oxford; and Sir William Wyndham and the Earl of Lansdown, the two principal conspirators, were both secured. These precautions proved so effectual that Ormond, on appearing off the western coast, did not venture to disembark.¹

For several weeks after Macintosh had left him on October 8, Mar continued, in Berwick's uncomplimentary phrase, to amuse himself at Perth. Ostensibly he was waiting for reinforcements; but, after Huntly and Seaforth had both come in, each with about 2,000 men, he could no longer plead this excuse for delay; and, having ordered the western clans, which had made no impression on Inveraray, to join him on his march, he set forth on November 10. Argyll was informed by his spies that the enemy intended, whilst making three feigned assaults on his position at Stirling, to ford the river near Aberfoyle; and, not choosing to hazard an engagement on ground so unfavourable for cavalry as the upper reaches of the Forth, he surprised, or at all events disconcerted Mar, whose information was extremely defective, by going forward to meet him on the uplands above Dunblane, known as

¹ *Mémoires de Berwick*, p. 252; *Compleat History*, p. 31; *Stuart Papers* (Hist. MSS. Commission), i. 452, 467.

Sheriffmuir.¹ The battle, which took place on November 13, the very day on which the insurgents at Preston were contemplating surrender, was of such a kind that both sides were able to claim it as a success. Argyll, leading the right wing of his army against what he believed to be the main body of the rebels, but which was really only their left—their right being concealed by a rise in the ground—charged in person with the Gentlemen Volunteers and several squadrons of heavy dragoons, including the Scots Greys. The Highlanders, after firing two volleys with great steadiness and precision, were routed by an attack on their left flank; but the insurgent cavalry, which, by a fatal mistake, had been posted wholly on the right flank,² poorly mounted as they were, proved almost a match for the dragoons; for, though forced back by the superior weight of the horses opposed to them, they resisted so stoutly and rallied so often that three hours were occupied in pursuing them as far as the Allan, a distance of barely two miles. At four o'clock, just as they were being driven across this stream, Argyll was informed that nothing could be seen of his left wing, which, indeed, was far enough away. Mar himself, with a large force of Highlanders, attacking this division whilst it was altering its formation in order to avoid being outflanked, had cut to pieces three regiments of infantry, and so confused the supporting horse—which, however, contrived to carry off a

¹ His army (3,500) consisted wholly of Regulars, with the exception of a choice squadron of 60 volunteers, commanded by the Earl of Rothes, and including the Dukes of Roxburgh and Douglas, and the Earls of Haddington, Lauderdale and Loudon. The rebels numbered 9,000, large detachments having been made to oppose Lord Sutherland in the north, and to hold down the hostile county of Fife.

² Marshal Keith's *Memoirs* (Spalding Club), p. 20; Sinclair, pp. 229-230.

standard—that General Witham had withdrawn them to Stirling, and announced there that all was lost. Argyll, on returning to the field, drew up his cavalry with a detachment of foot under General Wightman, which had never been engaged; and Mar now made the most signal blunder of the day by not attacking the royal troops, which in number and position were far inferior to his own, owing, it is said,¹ to the mistake of an officer sent to reconnoitre, who in the uncertain light took them to be much more numerous than they really were.²

The blow to the Jacobite cause involved in the failure of Mar's attempt to cross the Forth and the surrender of Preston was aggravated by another event which happened almost at the same time. On November 12 the town of Inverness, which Brigadier Macintosh had secured before marching to Perth, was recovered for King George by Lord Lovat; and this reverse not only induced Huntly and Seaforth to return home in order to protect their territories from the hostile garrison, but also detached the Clan Fraser which preferred Lovat to a rival claimant as its chief.³ On the day after the battle of Sheriffmuir General Cadogan entered the Thames with the promised

¹ Keith's *Memoirs*, pp. 20-21.

² Contemporary accounts of the battle are given in Rae, Patten, Sinclair, Keith, the *Compleat History*, and the *Annals*. The official despatches from both armies will also be found in the *Annals* and in Patten. Campbell gives a good account in his *Life of Argyll*. General Wightman, in concluding his despatch, writes: "I must do the enemy that justice to say, I never saw regular troops more exactly drawn up in line of battle, and that in a moment; and their officers behaved with all the gallantry imaginable." The loss of the Royalists was 290 killed, 187 wounded, and 133 prisoners—Chambers, pp. 266, 329; that of the rebels may have been about 600.

³ Rae, p. 334.

auxiliaries from Holland; and, Argyll having shown no great energy in dealing with the rebels, the arrival of Cadogan as his lieutenant was expected as much to hasten his preparations for offensive warfare as that of the 6,000 Dutch troops, in addition to some English regiments and artillery, to increase his strength.¹ The royal forces were, however, detained for a considerable time at Stirling by a winter of such severity as had not been known for thirty years; and when at last they approached Perth on January 31, 1716, after 2,000 country people had been employed to clear away the snow, they found that Mar on that very morning had evacuated the town.² The Chevalier was with the insurgents, having landed at Peterhead on December 22; but, as all expectation of foreign help had now to be abandoned, since he had brought and could promise none, his presence did little or nothing to retrieve his cause. On February 4 he and Mar embarked for France; and the relics of his little army, pursued by the Royalists, soon either dispersed among the hills or escaped abroad.³

The Chevalier, on his arrival, had issued a manifesto similar to that published by his friends on taking up arms, in which he announced that he had come "to relieve our subjects of Scotland from the hardships they groan under on account of the late unhappy Union, and

¹ Coxe's *Marlborough*, iii. 392.

² *Annals*, ii. 156, 222.

³ Only two persons are said to have been executed in Scotland on account of the Rebellion. A considerable number were brought over the Border to be tried at Carlisle, a proceeding which was resented as a violation of the Union, but none of them were put to death. Of the rebels taken in England, mostly at Preston, 57, including Lords Derwentwater and Kenmure, were executed, 53 died in prison, and 738 were banished to the plantations.—*A Faithful Register of the Late Rebellion*, 1718, pp. 398-403. Foster and Macintosh, Lords Winton and Nithsdale escaped from prison.

to restore the kingdom to its ancient, free, and independent state." "We hope," he continued, "to see our just rights and those of the Church and people of Scotland once more settled, in a free independent Scots Parliament, on their ancient foundation.¹ The rebellion had thus professedly a twofold purpose—to restore the Stewarts and to dissolve the Union; and more stress might perhaps have been laid on the second of these objects, had it not been evident that the enterprise rested primarily on a dynastic, and not on a national, basis. The Union was, indeed, profoundly unpopular; but the Squadrone, which was the original Nationalist party, had always been strongly Hanoverian; and, much as the clergy complained of toleration and patronage, they could not but remember that these grievances had first been mooted in a Scottish Parliament, and that nobody was less likely to remove them than the prince in whose interest and by whose adherents they had been imposed. On the accession of George I., it was intended to present an address against the Union, and the ministers of Dunfermline are said to have been the first to sign;² but we have seen how vigorous was the opposition aroused in the Church as soon as it became known that an effort was to be made to restore the old dynasty, as well as the old constitution. When the militia and volunteers went out of Edinburgh to attack Macintosh at Leith, some of the clergy were to be seen marching "in rank and file, like common soldiers, with firelocks and bayonets"; the royal troops, whilst pursuing the rebels in the north, are said to have

¹ Patten, pp. 175, 176, and in other works.

² Wodrow's *Correspondence*, i. 634. In December 1714 a paper was posted up at Edinburgh inviting the inhabitants to concur in forcing the Lord Provost to sign the address.—*Original Papers Relating to the Rebellion*, p. 9.

“looked upon Presbyterian ministers as the almost only friends they had”;¹ Jurants and Nonjurants proved equally loyal; and even Hepburn and his associates,² though they declared that they had not “freedom in their consciences to fight in defence of the constitution of Church and State as established since the sinful Union,” did at least come to Dumfries, when it was threatened by the southern insurgents, and remain on guard outside the town.³ The Union had thus survived the first attempt to overthrow it by force of arms, not because the nation had become less insensible to its benefits, but because its maintenance was involved in that of the Protestant succession; and, however dubious a benefit the political influence of Scottish Presbytery may hitherto have proved—for too often in resisting civil despotism it had attempted only to erect a more intolerable tyranny of its own—there can be no question as to the services it rendered at this crisis, when, by counteracting the spirit of nationality, it preserved to future generations the inestimable advantages of a United Kingdom.

¹ Wodrow's *Correspondence*, ii. 121.

² See p. 235.

³ Rae, pp. 257, 262, 276.

CHAPTER IX

THE ASCENDENCY OF WALPOLE, 1716-1742

As the national episcopate of Scotland had disappeared with the deposition of James VII., and as the chief obstacle to its restoration was the Union with England, which his son, the Chevalier, proposed to undo, Episcopalians had as much reason to support the rising of 1715 as Presbyterians to resist it; and the suppression of the revolt was naturally followed by an inquiry how far prelatical ministers had conformed during its progress to the two statutes which recognised and regulated their position—the Act of 1695 in favour of Episcopal incumbents who had taken the oaths, and the Toleration Act of 1712. In May 1716, 28 preachers were called to account at Edinburgh for officiating in Episcopal meeting-houses without having exhibited their letters of ordination to the Justices of the Peace, and without praying for King George. Most of them were fined; but, the letters in question having been produced and registered, the magistrates conceived themselves unable to comply with an order of the Prince Regent—George being then in Hanover—that the meeting-houses should be closed.¹ In the

¹ Arnot's *Criminal Trials*, pp. 343-346.

northern districts Episcopacy had supported, as well as sympathised with, the rebellion; and its treason, at all events in the case of those who had incurred special obligations in return for exceptional privileges, was not likely to be condoned. Almost the whole country from the Moray Firth to the Firth of Forth had been occupied by the insurgents for nearly five months; over 200 parish ministers had been sequestered from their functions or forced to fly;¹ and their pulpits had been filled by the former occupants of meeting-houses, who prayed for the Pretender, read the manifestoes of his Generals, and observed fasts for the success of his arms. There were, however, especially in the county of Aberdeen, a number of incumbents so favourable to the exiled dynasty that there was no occasion to displace them; and these, with one or two exceptions, were ministers ordained before the Revolution, who had retained their livings by taking the oath of allegiance and the assurance in accordance with the Act of 1695. The Aberdeenshire incumbents, by subscribing the abjuration oath as imposed in 1712, had also bound themselves to defend the succession to the Crown against Prince James; and some, if not all, of them had probably concurred in the strange conduct of the clergy of what was called the Diocese of Aberdeen, who in 1713 had presented an address² to Queen Anne, in which they prayed that her "royal diadem may fall upon the head of a Protestant successor," and in 1716 had presented an equally loyal address to the Catholic Pretender.

The Church courts endeavoured to get rid of the

¹ Wodrow's *Correspondence*, ii. 156.

² Skinner's *Annals of Scottish Episcopacy from 1788 to 1816*, pp. 298-300, note.

Jacobite incumbents by sending them a form of resignation, which in their own interest they were advised to sign; but, this suggestion not being complied with, they were deposed by their respective presbyteries or by a committee of the Synod, apparently on the ground that, though the offences they were charged with were political, the scandal resulting from their perjury was within the jurisdiction of the Church. Refusing to submit to sentences so unwelcome to their parishioners that in some cases they had to be executed by military force, the incumbents raised an action in the Court of Session to have them declared void; but the Crown lawyers prevented this by prosecuting them for sedition; and towards the end of 1717 they were fined by the Lords of Justiciary, and required to give up their churches, manses, and glebes. Meanwhile, on similar charges of disloyalty, most of the meeting-houses had been closed, and steps had been taken to purge the University of Aberdeen. After the Act of Indemnity, however, which was passed in August of this year, the Episcopal Nonjurors recovered much of their former freedom; and no further restriction was put upon them till in 1719 an Act was passed, which, whilst removing the chief objections of Presbyterians to the abjuration oath, provided that no Episcopal minister, on pain of six months' imprisonment, should officiate to more than nine persons beyond those of his own household, unless he had taken the oath and prayed expressly for King George.¹

¹ *Appeal of the Episcopal Clergy in Scotland to the Lords in Parliament*, 1718, pp. 21-23, 101—Adv. Libr. Pamphlets, 633; Stephen's *History of the Church of Scotland*, iv. 118-132, 136-147, 150-153. The *Appeal*, just cited, is merely a pamphlet composed in that form. The total number of clergymen deprived or silenced in the Synod of Aberdeen is said to have been about 36.—Wodrow's *Correspondence*, ii. 210. It appears from

This statute, never very strictly enforced, was probably due in some measure to the fear of another Jacobite revolt. In 1716, Charles XII. of Sweden having an old quarrel with King George as Elector of Hanover, his confidant Count Görz had set on foot a conspiracy, which was supported by Russia and Spain, for the restoration of the Stewarts; and this scheme, though interrupted for a time by the arrest of the Swedish Minister in London, was speedily revived. Spain at this period was recovering from a century of decay under the vigorous administration of Alberoni, an Italian of humble birth, soon to be a Cardinal, whose ambition it was to cut short Austrian domination in Italy by winning back for his adopted country the provinces of which it had been deprived at the Peace of Utrecht; and, as Great Britain and France had just allied themselves with Holland to maintain the provisions of this treaty, he had a sufficient motive for intriguing against both. In 1717 the Spaniards made themselves masters of Sardinia, and in 1718 of Sicily; but this success, offending both Austria and Great Britain, resulted only in converting the Triple into the Quadruple Alliance, and in the destruction by Admiral Byng of a Spanish fleet; and Alberoni, undeterred by the death of Charles XII., threw himself unreservedly into those Jacobite schemes, which had been projected by Görz, but which were now to be prosecuted as his own. Whilst inciting French malcontents to kidnap the Regent Orleans, he welcomed the Pretender to Spain; and in the spring

Scot's *Fasti* that 18 parish ministers were deposed in this Synod, and 4 in the adjoining Synod of Moray. In other Synods very few depositions are recorded. The last Episcopal minister to hold a parochial cure in Scotland was Fisher of Aberfoyle in the Presbytery of Dunblane, who died in 1732.

of 1719 a force of 5,000 men, mostly Irish, was embarked at Cadiz for England under the Duke of Ormond. The expedition was dissipated by a violent storm in the Bay of Biscay; but two frigates, which had sailed from another port, and a small vessel conveying some Scottish refugees from France, made their way in safety to the island of Lewis. On reaching the mainland with their detachment of 300 Spanish soldiers, Lords Tullibardine, Marischal, and Seaforth were joined by some 1,600 Highlanders; and on June 10, after two months of inactivity, they were attacked and defeated by General Wightman in Glenshiel. The Spaniards surrendered, and the Scottish leaders made their escape.¹ In December Alberoni was dismissed, and early in the following year, disappointed in her Italian enterprise, Spain made peace.

The country was not again to be threatened with invasion for twenty-five years; and during that period the disloyalty of Scottish Episcopalians exposed them more to internal dissension than to any interference by the civil power. The interests of the Pretender were managed by a number of politicians known as his Trustees, whose policy it was to confirm the Jacobites in their allegiance by organising on a political basis the communion to which they almost all belonged. With this object they had begun to form a College or committee of bishops entrusted with no more definite functions than that of perpetuating their own order and of co-operating with them in the government of

¹ Keith's *Memoirs*, pp. 45-52; Rapin and Tindal, xxvii. 253-256. The Duke of Ormond's letters relating to this affair will be found in *The Jacobite Attempt of 1719*, a volume edited for the Scottish History Society by Mr. W. K. Dickson. The meeting-houses in Edinburgh were shut up for six months.—Lawson's *Scottish Episcopal Church*, p. 520.

the Church; for they had resolved not to revive diocesan Episcopacy till the authority of the Crown in the person of its rightful possessor should be available to appoint and to control the occupants of the various sees. They were also opposed to a desire manifested in some quarters to introduce certain ceremonies or *usages* which had been discarded in England at the accession of Queen Elizabeth, and the revival of which formed the chief distinction between the Scottish or Laudian, and the English, Liturgy, such as the mixing of water with the communion wine, partly because the usages were generally unpopular¹ and might enable unfriendly critics to say that Episcopacy was approximating to the religion of its King, partly because the English Nonjurors had already split on this point, and partly because those who insisted on such things were the readiest to resent the political subordination of the Church and to assert its intrinsic power. During the lifetime of Rose, a judicious Churchman as well as a staunch Jacobite and the last of the pre-Revolution prelates, who as Bishop of Edinburgh was entitled to exercise metropolitan jurisdiction in the vacancy of the primatial see, these sources of dissension were kept well in check. At his death in 1720 there were six "bishops at large"—Falconer, Campbell,² and Gadderar, who favoured the usages, and Fullarton, Millar, and Irvine, who more or less opposed them. The Trustees, the most active of whom was Lockhart, succeeded in procuring the election as Rose's successor of Fullarton, who, however, was to be merely

¹ In some congregations even the Liturgy had not yet been introduced.—Skinner, ii. 626.

² Lawson, in a note on p. 236 of his *History of the Scottish Episcopal Church*, makes the strange mistake of attributing to this divine the works of Professor Campbell.—See *supra*, p. 261.

Primus or president of the College, not primate; but the privilege conceded to one district was soon claimed by others; and the clergy of Angus and Mearns, and of Aberdeen, showed their approbation of the usages by electing respectively as their bishops Falconer and Campbell, the second of whom gave place to Gadderar. In order to avert the collapse of their College scheme, the Trustees, within the next two years, introduced a species of royal patronage which had been dormant since the Revolution by procuring from the Pretender recommendations in favour of six clergymen to be "bishops at large," all of whom, after considerable opposition, were consecrated between 1722 and 1726. The dispute as to the usages, of which, as of diocesan Episcopacy, Gadderar was the chief advocate, was settled in 1724 by an agreement which allowed the use either of the Scottish or of the English Prayer-Book;¹ but the struggle between the two kinds of polity went on for several years and produced a strange rivalry in episcopal creation—the College party adding to their number as fast as their opponents, on application from the various districts, added to theirs. The High Churchmen, decided Jacobites as they were, thought it unfair that their exiled sovereign, particularly as he happened to be a Catholic, should have as much power over the Church as if he were actually on the throne; and they looked with great disfavour on the College scheme because it facilitated the promotion of political partisans, and enabled the Pretender and his Trustees to maintain their ascendancy by creating as many bishops as they pleased. Eventually in 1732, weakened by the absence of Lockhart, who

¹ Certain usages not included in the Scottish Liturgy had also been advocated, and these were now forbidden.

had gone abroad to avoid arrest, the College scheme was formally given up.¹

We have seen that the Church of Scotland at this period was suffering from dissensions very similar to these. The subordinate question incident to Presbytery was one of doctrine, not of worship; but the main point at issue in both cases was the claim of a spiritual corporation to emancipate itself from secular interference, whether embodied in lay patrons or in political Trustees; and it is noticeable that Lockhart opposed the calling of bishops by the clergy of each diocese on the plea that it would occasion the same disorders as were caused by the popular election of Presbyterian pastors.² Gadderar had, however, a less formidable task than Erskine; for, whilst the former had to contend only with the shadow of Erastian supremacy represented by an exiled Court, the latter was fighting, under the obsolete standards of fanaticism, against the spirit of the age; and thus, whilst the ultra-Episcopalians were successful in dominating their communion, the ultra-Presbyterians succeeded only in effacing themselves from theirs. The two Churches had, in fact, approximated to the position in which each was placed. Episcopacy, disestablished, dissatisfied, and disloyal, was reverting to the illiberal pretensions which, as asserted by an officious minority, had caused its downfall in the days of Charles I.,³

¹ Lockhart Papers, vol. ii., Histories of Stephen, Skinner, and Grub, *passim*; Lawson, pp. 517-545.

² Lockhart, ii. 126.

³ One of Gadderar's friends objected to an injunction of the bishops against the usages that it was "directed to the Episcopal Church of Scotland, as if there were or could be another church in it, which is not episcopal."—Stephen, iv. 186. In the eyes of such extremists, the Established clergy had too little of the ecclesiastical character to preach, much less to administer the sacraments—they were merely "Presbyterian teachers."

whilst Presbytery, conforming to the moderate tradition, once identified with bishops, which had been imposed upon it at the Revolution, was daily vindicating its claim to be the National Church.

Though the attempt to expand a Jacobite into a Nationalist movement had entirely failed, the unpopularity of the new constitution was not at all diminished by the policy pursued at London during and after the revolt. The loyal population of the Lowlands, threatened by a powerful enemy, had been left almost denuded of troops, whilst the Government was providing against serious, but less imminent, dangers nearer home; and the removal of 89 prisoners across the Border to be tried at Carlisle was resented not only as a violation of the Union, but as a reflection on their loyalty which the people of Edinburgh had done nothing to deserve.¹ At the accession of George I. the conduct of Scottish affairs had been entrusted more to the Squadrone² than to the Revolution Whigs; and, these parties not being on the best of terms, there was as much satisfaction as annoyance when Argyll, who headed the latter, instead of being rewarded for his services in suppressing the rebellion, was deprived in June 1716 of the Scottish command. Argyll blamed the Ministry for neglecting so long his demand for troops as much as they blamed him for remissness in prosecuting the campaign; but he was removed at the same time from his post of Groom of the Stole to the Prince of Wales; and the chief reason for this double affront was that George suspected him

¹ Campbell's *Argyll*, pp. 268-273; Stephen, iv. 131-133.

² The Duke of Montrose in 1714 succeeded Mar as Secretary of State, but in 1716, when he was made keeper of the Great Seal, gave place to Roxburgh. Rothes was Vice-Admiral of Scotland, and from 1715 to 1721 Commissioner to the General Assembly.

of encouraging the insubordination of his son, whom, on leaving for his continental dominions, he most reluctantly consented to make Guardian of the Realm.¹

Lord Stanhope accompanied the King to Hanover, and was followed by Sunderland, whilst Townshend and his brother-in-law, Walpole, remained at home—a disruption of the Ministry which was rendered more dangerous by the royal feud. The Prince in his independent position not only set himself to eclipse in popularity the absent sovereign, which was not at all difficult, but renewed his intimacy with Argyll; and Townshend, having gained his confidence by estranging him from the fascinating Duke, was traduced by Sunderland to the King as intriguing against him with the Prince.² These dissensions resulted, in 1717, in the dismissal of Townshend and Walpole, and in the re-organisation of the Ministry under Stanhope, with Sunderland as one of the Secretaries of State; and, as Argyll and Sunderland were personal enemies, the former co-operated heartily with the Opposition till in 1719, having commended himself to the King by quarrelling with his son, he was made Lord Steward of the Household and Duke of Greenwich. During this period he took the strange course for a military officer of speaking and voting against the Mutiny Bill, on which occasion Stanhope, who had preceded him as British General in Spain, congratulated himself that “he was not like some persons that changed their opinions according as they were in or out of place”; and he opposed with more reason the Bill for

¹ Coxe's *Walpole*, i. 79. There is nothing to justify Burton's singular reference (viii. 345) to this affair: “Its immediate cause is not, and may perhaps never be, known.”

² Coxe's *Walpole*, i. 93, 94.

putting the sale of forfeited estates in the hands of trustees, as an encroachment on the jurisdiction of the House of Lords, and, so far as Scotland was concerned, on that of the Court of Session.¹

A more important measure was introduced in 1719, and would probably have been supported by Argyll, even if he had not by that time been reconciled to the Court, since it afforded him an opportunity of repaying his desertion by the Prince of Wales. It was expected that the Prince on succeeding to the Crown would discard the present Ministry in favour of that section of the Whigs which had suffered for its supposed adherence to his interests, and perhaps also of the Tories; and, in order to prevent him upsetting the balance of parties in the Upper House, as Queen Anne had done in 1713, and at the same time to strengthen the security provided by the Act of Settlement against the promotion of Hanoverian favourites, certain resolutions were adopted by the Lords in anticipation of a Bill which, though dropped in March of this year, was passed during the next session on November 30, providing that the sovereign, with exception of his own family, should not create more than six peers beyond the existing number; that new peerages, limited to heirs male, might be created in room of the old; and that the 16 representative peers of Scotland should give place to 25, chosen by the Crown and sitting thereafter by hereditary right. In attacking the general principle of this measure, the Opposition insisted that it would convert the nobility into a close corporation, if not into a

¹*Parl. Hist.*, vii. 538, 550, 553. The trustees, by a later statute called Commissioners, involved themselves in disputes with the Court of Session, of which an account will be found in Burton, viii. 348-352.

caste, and that by creating 25 new peerages, and permitting the creation of 6 more, it would enable the present Ministry to perpetuate their power; and the modern student of the constitution cannot fail to see that it would have prevented the Crown in cases of conflict, such as that of 1832, from bringing, or threatening to bring, the Upper House into accord with the Lower. The clauses relating to Scotland, though supported by all the sixteen peers, were obviously the most vulnerable, and detailed criticism was directed chiefly to these. To deprive the Scottish nobles of a right of representation secured to them by the Treaty of Union was denounced as grossly unjust; and it was pointed out that all but 25 of them would be in a worse position than any other subjects, since they could neither enter, nor be represented in, Parliament. On the other hand, it was said that the elective status of the representative peers was not only prejudicial to their own dignity and to that of the House, but exposed them so much to Ministerial influence that they were no better than "a dead Court weight"; and this argument was not without historical warrant. We have seen that the Union had been carried in Scotland only because it commended itself to a group of politicians who resented the corrupt system by which a party was maintained, chiefly amongst the peers, in the English interest; and we may reasonably suppose that a statesman so honest and disinterested as the Duke of Roxburgh, despite his official position and his expectation of a hereditary seat, would not have supported the Bill, if he had not perceived that the same influence which had neutralised the independence of Scotland was now nullifying its share of legislative power. In the

Commons the Bill was ably opposed by Walpole and Steele, and was rejected by 269 votes to 177.¹

This defeat, counteracted abroad by the frustration of Alberoni's designs, was so far from weakening the Government that both Townshend and Walpole consented to join it in 1720; but before the end of that year its credit had been completely destroyed by the financial disaster which followed the attempt of the South Sea Company to buy up the National Debt. Stanhope died during the crisis, and Sunderland two years later; and, on the resignation of the latter in 1721, Walpole became head of a Ministry, which was to remain in office till 1742. The late schism, however, still existed as an element of strife; for Lord Carteret, an adherent of Sunderland, was made Secretary of State, and, on the death of Marlborough in 1722, Lord Cadogan, who had been his principal staff officer, as Sunderland had been his son-in-law, succeeded him as Commander-in-Chief. In Scottish affairs this division of interest followed the cleavage between the Squadrone and the Revolution Whigs, headed respectively by Roxburgh and Argyll. As Argyll detested the Marlborough connexion and had suffered as much as Walpole from the intrigues of Sunderland, it was natural that he should identify himself with the new Premier; and it was equally natural that Roxburgh, the Secretary for Scotland, should incline to Carteret, particularly as the characteristics of that brilliant and high-spirited statesman—his profound learning, his linguistic attainments, his impatience of detail, and his contempt for the arts of parliamentary management—were so much akin

Coxe's *Walpole*, i. 116-125; ii. 170-178; *Parl. Hist.*, vii. 589-593, 606-624; Campbell's *Argyll*, pp. 283-301; Lockhart, ii. 56-58.

to his own. Carteret, whilst travelling on the Continent and during a prolonged embassy to the Northern Powers, had gained a great insight into Hanoverian politics; and, as he was the only member of the Cabinet who could converse in German, he soon acquired an influence over the King inconsistent with that supremacy, essential to the modern Prime Minister, on which Walpole was the first to insist. In 1724, as the result of a contest for ascendancy at the French Court between his agent and that of Lord Townshend, the other Secretary of State, Carteret was removed to the less important post of Lord-Lieutenant of Ireland. He was believed to have fomented the uproar occasioned in that country by alleged corruption in the granting of a patent to renew the copper coinage; and a suspicion of sympathy with more serious disturbances in Scotland afforded a pretext for the dismissal of Roxburgh in the following year.

It has been mentioned that the malt-tax, from which Scotland was to be free during the continuance of the war, had been imposed by Parliament at the peace of 1713; but, the opposition to this measure having resulted in a motion to repeal the Union, it had never been enforced. The favour shown to the Scots had long been complained of in England; and, contrary to the wishes of Walpole, the Commons resolved at the end of 1724 that Scotland, in view of its exemption from the malt-tax, should pay an additional sixpence of duty on every barrel of ale, and should be deprived of the bounty granted in both countries on the exportation of grain. This scheme was entirely opposed to the sixth article of the Union, which established fiscal uniformity throughout the United Kingdom; and, many petitions having been presented against it, the Government, in

concurrence with the Scottish members, fell back on a proposal which had been lost by a single vote in 1713, and resolved to impose 3d., or half of the English duty, on malt. The heritors of Midlothian, in a letter to their representative in Parliament, had declared that they would rather pay the whole malt-duty than acquiesce in a violation of the Union by accepting the alternative stipulations as to ale and grain; but a spirit much less rational had now been evoked; and Jacobite agitators had some excuse for saying that the loyal subject was to pay for the shortcomings of the disloyal, since, if the proceeds of the reduced tax fell short of £20,000 sterling, there was to be an additional charge on malsters to make up that amount.¹

Glasgow was the only town in Scotland in which the Union had yet been justified by its fruits; and the new impost was resented in this quarter as an obstacle to expansion of trade. Encouraged by a baseless report that the royal burghs had unanimously resolved to refuse payment, the populace of Glasgow made no secret of their intention to resist the tax, and, if it were enforced, to demolish the new mansion of their member, Campbell of Shawfield, whom they blamed for restrictions on their trade in tobacco as well as in malt; and on June 23, 1725, when the Excise officers attempted to enter the malt-houses in order to make a valuation of the stock, they were threatened with violence, and found that stones, to be used as missiles, had been piled up at the doors. On the evening of the 24th, whilst the uproar still continued, two companies of foot arrived from Edinburgh under Captain Bushell; and, the mob having locked the guard-house, where they were to be lodged, and carried off the keys, Provost Miller, instead

¹ Lockhart, ii. 134-140, 161; Coxe's *Walpole*, i. 230-231.

of allowing Bushell to force an entrance, advised him to billet his men throughout the town. This detachment was believed to have been summoned by the obnoxious, but happily absent, member; and, as soon as it had dispersed, the rabble attacked his house, of which they speedily sacked or destroyed everything but the walls. Bushell sent a sergeant to suggest that he should beat to arms, but his services were declined on the plea that his men were too few, and that before they could assemble they might all be murdered in their beds. Next day the Provost ventured to break open the guard-house and even to arrest some straggling rioters who had parted with their sobriety in the Shawfield cellars; but this belated vigour resulted only in a drum being beaten to re-assemble the mob; and the soldiers, after replying with blank charge to showers of brickbats and stones, were at last ordered to use lead. More incensed than dismayed, the rioters burst into the Tolbooth, rang the alarm-bell, and began to provide themselves with arms. The Provost then advised that the troops should be withdrawn: and, after skirmishing with their assailants for about six miles, they were suffered to retreat to Dumbarton Castle. In all, nine civilians were reported to have been killed, and seventeen severely wounded—most of them so severely that they died.¹

Whatever retribution may have been exacted on the 25th, it was remarkable that the havoc of the previous

¹ *Culloden Papers*, pp. 79-93; Burt's *Letters from the North of Scotland*, i. 293-297; Clelland's *Annals of Glasgow*, i. 25-27; Lockhart, ii. 161-163; Wodrow's *Analecta*, iii. 210-213, and *Correspondence*, iii. 216-217. Burton's narrative in his *Life of Duncan Forbes* contains several errors, some of which reappear in his *History*. In both works he represents Campbell of Shawfield as being in the town, apparently confounding him with Campbell of Blythswood.

night should have been wrought without any opposition from a force sent expressly to maintain order ; and the Provost, by whose directions Captain Bushell had been instructed to act, was much blamed for neither putting the soldiers in possession of the guard-house nor lodging them together in some other place, for not reading the Riot Act,¹ and for refusing military assistance when offered.² Within about ten days Duncan Forbes, who had just been appointed Lord Advocate, accompanied by General Wade and a large body of troops, arrived in Glasgow ; and as the magistrates, most of whom had gone out of town before or during the riot, had added to their offences by not replying to his demand for information and by inquiring into the conduct rather of the soldiers than of the mob, he apprehended them and carried them as prisoners to Edinburgh. Here, on application to the Lords of Justiciary, they were at once released on bail ; and this rebuff to administrative zeal gave rise to an industrial combination which proved much more difficult to put down than the Glasgow riot. The Edinburgh brewers, acting in concert with delegates from other towns, now avowed their intention not to pay the tax, and, if sued at law, to suspend the operations of their trade. The Court of Session attempted to purchase their compliance by allowing them to raise the price of ale ; and, this edict having no effect, they issued another, requiring them to give security that they would carry on their business as usual for the next three months. The brewers remonstrated, but their petition was ordered to be burned by the hangman ;

¹ This very inaccurate expression had already come into use ; but it was more usual, at all events in Scotland, to speak of reading the proclamation, which of course is what is really done.

² *Culloden Papers*, pp. 86-88.

and, having closed their premises as soon as the Excise Commissioners had cited them before the Justices of the Peace, they were found liable to double duties, and four of their ringleaders were imprisoned. The strike lasted for a week, which seems to have been thought a long time, comprised 57 out of 65 brewers, and threatened to deprive not only the public of their drink, but the bakers of their yeast;¹ and only the persistent intimidation of Lord Islay, Argyll's brother, induced the malcontents to give way.²

Dundas of Arniston, the ex-Lord Advocate and a member of the Squadrone, had closely identified himself both with the Glasgow magistrates and with the Edinburgh brewers; and a suspicion that the Duke of Roxburgh was secretly counteracting a measure, which, in common with his party, he no doubt regarded as an injustice to Scotland, caused him to be removed from the Secretaryship on August 25. He continued to be one of the Council of Regency during the King's absence in Hanover; and George, who had made him a Knight of the Garter and had insisted on his retaining office when Carteret was dismissed, now parted from him with extreme regret. At the ensuing election of 1727 he disappeared from Parliament, and it was a fitting termination to so honourable a career that he was offered and declined the continuance of his

¹ "Bread can certainly be made without yeast," wrote Lord Islay. "I know how to do it myself, and as my friend Peter Campbell has turned brewer, I'll turn baker, if nothing else will convince them."

² A most minute account of this affair will be found in the correspondence forming the second volume of Coxe's *Memoirs of Walpole*. Lockhart's narrative is well summarised by Struthers, *History of Scotland*, i. 533-535.

pension.¹ The Secretaryship remained vacant till 1731; and during these and several subsequent years, in which Scottish history is occupied chiefly with those ecclesiastical disputes which were to culminate in a secession from the Church, the country was governed nominally by the Duke of Newcastle, one of the two English Secretaries of State, but really, under the superintendence of Walpole himself, by Islay, Lord Privy Seal, and the Lord Advocate Forbes. Walpole had refused to gratify Argyll and his brother by discarding entirely their political rivals; but in 1733 he completed the discomfiture of the Squadrone by turning out the Duke of Montrose and the Earls of Marchmont and Stair, whom Carteret had enlisted in opposition to the Excise scheme; and, though it was probably rather the wrath of ejected officials than any unusual guilt on the part of the Government which led to a charge of bribery and intimidation at the election of nobles in the following year, the facts alleged and scarcely denied were sufficient to justify all that had been urged, from the Scottish point of view, in favour of the Peerage Bill. The presence of troops at a mile's distance was said to make the proceedings void; but the troops were no doubt intended much less to influence the election than to prevent it being disturbed by the mob; and probably all previous elections might have been invalidated on the other grounds alleged by the dissatisfied peers—that the Government had submitted a complete list of candidates, and that promises of offices, of

¹ Lockhart, ii. 156-157; *Analecta*, iii. 439. Roxburgh, with the Duke of Montrose and several English peers who were members of the Royal Society, was a pall bearer at the funeral of Sir Isaac Newton in 1727. He died in 1741.

pensions, and even of money, had been given in its support.¹

In 1736, the year in which the Seceders finally severed their connexion with the Church by issuing what they called their Judicial Testimony, a riot took place which has been so fully and so graphically described by Scott in his *Heart of Midlothian* that it may be permissible, without entering into details, to pass to its political and ecclesiastical results. On April 14 a man named Wilson was to be executed at Edinburgh in whose favour a strong feeling had been aroused, partly because he was convicted of an offence so venial, if not laudable, in popular estimation as that of forcibly recovering from a custom-house officer the value of his own confiscated goods, but chiefly because, having frustrated through his selfishness an attempt which he and a comrade had made to break out of prison, he had voluntarily sacrificed himself in order to allow the latter to escape. Contrary to a very general apprehension, there was no attempt at rescue; but, after the sentence had been carried out, the mob began to stone the City Guard; and Porteous, who commanded the soldiers, ordered them to fire, or, according to his own account, was unable to prevent them, the consequence being that seventeen persons were wounded, six of them mortally. The Government had anticipated the prosecution of Captain Bushell in 1725 by granting him a pardon.² Porteous was brought to trial; but, as he was condemned to death on a special verdict which acknowledged that some of his men had been bruised by "stones of a

¹This affair gave rise to a great debate in the Lords, which is very fully reported in the *Parliamentary History*, ix. 720-795.

²Lockhart, ii. 241.

considerable bigness," and as a very influential petition was presented in his favour, he was respited for six weeks. The reprieve was intimated at Edinburgh on September 3; and on the night of the 7th, the day before that appointed by the judges for his execution, the mob rose, broke into the Tolbooth by burning down the door, carried off their victim, and hanged him on a dyer's pole.¹

The populace had a special grievance against Porteous inasmuch as he had fired upon them after they had allowed the law to take its course; but what created both astonishment and alarm in London was that his murder was perpetrated in a manner more suggestive of conspiracy than of riot; that it was attended by no drunkenness, plunder or disorder; that its authors went about their business in the most methodical way—disarming the Guard, securing the gates and the alarm-bell;² that they dispersed as soon as their purpose was achieved; and, in particular, that all attempts to discover them proved wholly vain.³ This last circumstance seemed to incriminate the city as a whole; and on April 19 a Bill was brought into the Lords disqualifying the Lord Provost for municipal office and imprisoning him for a year, dissolving the City Guard, and demolishing the Nether Bow Port, the seizure of which by the rioters had secured them against the troops quartered in the Canongate. A motion was made, but not pressed to a division, that

¹ In addition to the authorities usually cited for this affair, may be mentioned the very fair account given by Campbell in his *Life of Argyll*.

² "I never was witness to, or ever heard of any military disposition better laid down, or more resolutely executed, than their murderous plan was."—General Wade's speech, *Parl. Hist.*, x. 291.

³ See on this point the Solicitor-General's Memorial in *The Heart of Midlothian*. Two men were tried, but were both acquitted.

the sentence against Porteous should be quashed ; and a more important debate arose in regard to three Lords of Session who had been summoned to attend. It was argued that these judges ought to be examined on the woolsack if they were to give a judicial opinion, or at the table if they were to be called as witnesses, since in consequence of the Union the Lords had to administer Scottish as well as English law ; but the argument was rejected on the plea that no one could come within the bar who had not a seat in the House or who was not summoned, like the judges of England, by the King's writ. The Bill passed by a large majority despite the strenuous opposition of Argyll, based on the 21st article of the Union, which stipulated that the rights and privileges of the royal burghs in Scotland should be preserved entire ; but a much less favourable reception was accorded to it in the Commons, where the Lord Advocate and several other speakers declared that to receive such a measure from the Upper House would be to encourage that body in making attacks on corporations which might result in one of their own members being deprived of his seat. This protest proved so far ineffectual that the Bill was given both a first and a second reading ; but on the latter occasion so forcible a speech was made against it by Lindsay, the member for Edinburgh, that the Commons desired a conference with the Lords, and, having received from them several papers, resolved to examine witnesses for themselves. From the evidence submitted, it appeared that, though the Lord Provost had disregarded several warnings that a plot was being hatched against Porteous, he had done nothing worthy of imprisonment ; and, the other clauses having been rejected on such grounds as that

the gate was indispensable for collecting the city dues, that the Guards had quelled former tumults,¹ and would still be necessary, if only to extinguish fires, the Bill, as amended in Committee, enacted only that the Provost should be deposed and disqualified, and that Edinburgh should be fined for the Porteous, as Glasgow had been fined for the Shawfield, mob.² The motion to report the Bill, even in this form, was carried only by the Chairman's casting vote, and, but for the absence of the Solicitor-General and another Scottish member, who were engaged as counsel in the Lords, it would have been lost.³

In addition to the penalty thus imposed on Edinburgh, an Act was directed against the perpetrators of the crime, which provided that fugitives who did not surrender, and all who concealed them, should be punished with death. This Act, for the space of one year, was to be read before sermon in every parish church on the morning of the first Sunday of each month; and any minister who should neglect to read it was to be declared incapable, for the first offence, of sitting and voting in Church courts, and, for the second, of holding any benefice in Scotland. Though the clergy had long been accustomed to read secular notices from the pulpit, such as proclamations against profaneness and immorality, and appeals for aid for repairing bridges and harbours, the duty now imposed upon them was keenly resented in some quarters as

¹ Lord Advocate Forbes, in his speech against the Bill, related as an eye-witness how the Guard in 1705 had saved Seafield from the mob when he attempted to procure a reprieve for Captain Green. See p. 162.

² Glasgow had been fined £5,000 for the benefit of Campbell, whose house had been wrecked: Edinburgh got off with £2,000, which was to be given to Porteous's widow.

³ *Parl. Hist.*, x. 187-319; *Statutes at Large*, vi. 288.

unsuited to "ambassadors of the gospel of peace," as a desecration of the Sabbath, as an Erastian interference with worship and the constitution of Church courts, and even, since the enacting clause mentioned the Lords Spiritual, as an acknowledgment of bishops. In order to avoid the sin of compliance, some singular proposals were made, such as that there should be no service, or at all events, no sermon, on the morning of the prescribed days; and one divine is said to have consulted the prejudices of his people by telling them that, though he was obliged to read, they were not obliged to hear.¹ Many ministers refused to comply, and many of the lower orders were impelled by their scruples to join the Secession; but the penalties were never enforced; and it is probable that the object of the Act was rather to expose than to coerce those ultra-Presbyterian pastors who had set an example of lawlessness to their flocks by defying not only the statutes relating to patronage and the abjuration oath, but even the edicts of their own Church. The Duke of Argyll had expressed his opinion in Parliament that the riotous spirit, to which Porteous had fallen a victim, proceeded "from a few fanatical preachers, lately started up," who had corrupted the multitude "by making sedition and rebellion a principle of their religion"; and Lindsay, in his very able speech, reflected still more severely on "those wild, hot-headed, violent high-church clergy" who, when defeated in their opposition to any rule of ecclesiastical polity, had too often inculcated the

¹ Willison's *Testimony*, pp. 93-95; M'Kerrow's *Secession Church*, i. 141-142; and Adv. Libr. Pamphlets, 3rd series, 862, where the two Acts just mentioned, the enacting clauses of which are merely summarised in *Statutes at Large*, will be found in full.

dangerous doctrine "that such a law is iniquity established by law."¹ Both of these speakers, when they thus expressed themselves, had probably in view a very remarkable letter written by Lord Islay to Walpole from Edinburgh a few weeks after the riot, in which he said that "the high-flyers of our Scotch church here make this infamous murder a point of conscience"; that one of the assassins had gone red-handed to communion at a country church and there boasted of what he had done; that all of the humbler classes who pretended "to a superior sanctity" spoke of the crime "as the hand of God doing justice"; and that none of "the high party" amongst the ministers with whom he had conversed would condemn the conduct of the mob. "Indeed," he wrote, "I could hardly have given credit to the public reports of the temper of these saints if I had not myself been witness to it."² As if to corroborate the truth of these statements, a pamphlet appeared in 1737, interlarded with scriptural allusions, in which the murder of Porteous was described as "a noble act," the work of "divine providence," and Parliament, in attempting to avenge the deed, as "at war with heaven."³

The great Minister, who had so long secured the peace and prosperity of Great Britain, was now to encounter an agitation incomparably wider and deeper than that which he had aroused by his punishment of the Porteous Riot; and in November of this year, though he still retained the full confidence of George II., the death of Queen Caroline deprived him of his

¹ *Parl. Hist.*, x. 243, 252, 253.

² *Coxe's Walpole*, iii. 367.

³ *Memorial for the People of Scotland, or some brief animadversions on the infamous Act, etc.*, Dublin, 1737.—Adv. Libr. Pamphlets, 3rd series, 862. Such a tract could not, of course, be published in Scotland.

best and surest friend. Unusual ability and tact and a dexterous use of the Crown patronage had enabled Walpole to establish his ascendancy on a solid basis of parliamentary votes; but his jealousy of rivals, his suspicion of political, and his contempt for literary, talent had arrayed against him almost all that was most brilliant in the public life of both England and Scotland; and two years later, when he was beset on all hands by nobles, orators, wits and poets, a Scottish peer was to describe him as "so imbayed, it is not possible he can get out."¹ Amongst the choice spirits presided over by Carteret and Chesterfield who clustered round the Prince of Wales at Leicester House, and most of whom, in so far as they belonged to the peerage, were members of the Rumpsteak or Liberty Club, were not only such Squadrone leaders as Roxburgh,² Montrose, and Carteret's son-in-law, Tweeddale, but two peers whose fathers had headed the Revolution Whigs—the Duke of Queensberry, who had been forbidden the Court for befriending the poet Gay, and the Earl of Stair, distinguished alike as a General, a courtier and a diplomatist, who had participated in almost all the victories of Marlborough, and who, as ambassador at Paris from 1715 to 1720, had discharged the duties of his office on a scale of unwonted magnificence and with consummate skill. Another and most influential member of this group was the Earl of Marchmont, a devoted friend of the old Duchess of Marlborough and the accomplished

¹ *Marchmont Papers*, ii. 113.

² The Duke of Roxburgh took little interest in public affairs after the dispute about the election of peers in 1734, and came only occasionally to London; but his son, the Marquis of Beaumont and a British peer as Earl Ker, was a member of the Liberty Club.

father of a still more accomplished son—a son who had entered Parliament almost at the same time as Pitt, then a cornet of horse, who outshone even that competitor in eloquence and popular esteem, and who lived in the closest intimacy with Chesterfield, Bolingbroke, and Pope. Walpole, on depriving Pitt of his commission, is reported to have said, “We must muzzle this terrible cornet”; but he acknowledged that Lord Polwarth and Sir John Barnard, a city magnate, were his most formidable opponents in the House, and remarked of the former “that there were few things he more ardently wished for than to see that young man at the head of his family”—a desire which was fulfilled in 1740, when Polwarth succeeded his father as Earl of Marchmont, and was thus excluded from the Commons without gaining admission to the Lords.¹

The Scottish members of the Opposition, whilst co-operating in the general attack on Walpole, had a special feud with Lord Islay, his lieutenant in Scotland, of whose intrigues at the election of peers in 1734 they had so loudly complained; and the Squadrone in making war on corruption could claim that they were adhering to an honourable tradition, since, in order to put down such a system, they had concurred in the Union, and had supported both the abolition of the Privy Council and the Peerage Bill. This grievance, however, and all others were now swallowed up in the general indignation excited by the policy of the Government towards Spain. The trade with the Spanish colonies, in so far as it consisted of the importation of negroes, had been opened to Great Britain at the Peace of Utrecht, but so partially in other respects that she had obtained only the right

¹ Douglas's *Peerage*, and *Marchmont Papers*, vol. ii., *passim*.

of freighting one ship in a year. Out of these and some earlier concessions a vast illicit traffic had sprung up; but Spain had made no consistent effort to check this abuse till by a secret treaty in 1733 she obtained the support of France; and she then adopted such drastic measures that public feeling in England was excited almost to fury by the return of British sailors who had been cruelly maltreated in prosecution of a right of search exercised not only in territorial waters, where doubtless it was legal, but on the high seas. Walpole had recourse to diplomacy, and a Convention between the two Crowns was announced at the opening of the session in February, 1739; but this agreement caused general dissatisfaction, when it appeared that the right of search was not mentioned, and that the compensation obtained for damages was qualified by the admission of counter-claims on the part of Spain. Argyll went over to the Opposition, and in both Houses the Ministerial majority was largely reduced. In October, yielding to the bellicose spirit of which he entirely disapproved, Walpole declared war. In clinging so tenaciously to peace he had been actuated by a conviction, which proved to be well-founded, that it was peace alone which kept the Jacobites inactive, and that in any contest with Great Britain the Spanish Bourbons would sooner or later be seconded by the French. The war, indeed, had scarcely begun when the friends of the Pretender both in England and Scotland concerted a conspiracy which received even more encouragement at Paris than at Madrid; and the attitude of France became so unfriendly that a rupture can hardly have been more than precipitated by the European complications which resulted from the accession of Maria Theresa to the throne of Austria. At the general election which

took place in 1741 the efforts of his brother, Islay, to obtain a majority for the Government in Scotland were triumphantly combated by Argyll, who had been deprived of all his posts; and in February, 1742, finding that his majority had almost disappeared, Walpole resigned.

CHAPTER X

THE UNION COMPLETED, 1742-1747

THE war in which the British, or at all events the English, people embarked with such enthusiasm in 1739 was to prove more decisive at home than abroad; and, before entering on the civil strife which was to result in a completion of the Union, it will be well to consider how far the economic advantages claimed for that measure had yet been realised. The material development of a nation so backward as the Scots was necessarily, however, a very slow process, and little more than its beginnings are comprised within the compass of this work.

The admission of Scotland to commercial partnership with England at the Union of 1707 may be said to have completed that diversion of trade routes which had begun, more than two hundred years earlier, when the discoveries of Columbus and of Vasco da Gama substituted the Atlantic for the Mediterranean as the highway of commerce. The western nations of Europe had each in turn responded to the wave of maritime enthusiasm which, sweeping northward from the Tagus, was to awaken its last echoes on the banks of the Clyde. Portugal, and then Spain, had leapt into greatness and

fallen back into decay; Holland, vigorous but over-matched, had failed to keep the lead; and now France had lost the palm of naval ascendancy which was to be awarded, not to England, but to Great Britain, at the Peace of Utrecht.

No argument had been so effectual in promoting the Union as that of liberty to trade with the English colonies; and, however disgraceful it may have been in Scotsmen to barter their national independence for "some hogsheads of sugar, indigo and stinking tobacco," they did at least obtain their desire. The bribe was doubtless the more irresistible as its value had already been proved. Soon after the Darien adventurers had excited such alarm in London by proposing, since they were excluded from the English settlements in America, to form a settlement of their own, a commission was appointed to inquire how far the mother country had succeeded in preserving its trading privileges; and the fact soon disclosed itself that "the Scots have a long time tasted the sweetness of the trade to our Plantations." A very considerable illicit traffic had, indeed, sprung up—illicit because it brought certain commodities enumerated in the Navigation Act to Scottish and not to English ports. It was natural that such evasions of an unpopular monopoly should be most common in the colonies vested in Proprietors and not directly subject to the Crown; and Pennsylvania, lying between New York and the tobacco plantations of Maryland, and with a Scotsman as its Secretary, afforded great facilities for smuggling and threatened to "become a staple of Scotch and Holland goods." Tobacco intended for Scotland was brought overland to the Delaware; Scottish goods were introduced by pedlars who came out as passengers in English vessels; and

forged documents were readily accepted purporting that commodities had been shipped in England or were to be landed there. From 1690 to 1695 nine tobacco traders sailed from the Delaware directly to Scotland; and the agent in that country of the English Commissioners of Customs reported that from April 13, 1695, to December 29, 1696, twenty-eight vessels, mostly connected with the Clyde, were trading to and from the tobacco plantations.¹

Whatever effect may have been produced by the greater stringency adopted in view of these disclosures, the Glasgow merchants were of course freed from all restrictions on their commerce when it was legalised at the Union. For a considerable period they chartered vessels from Whitehaven; but in 1718 the voyage was made for the first time by a Clyde-built ship; and during the next few years the trade was prosecuted with a success which foreshadowed in some measure the great dimensions it was to assume before the outbreak of the American Revolution. The fatal riot which convulsed this city in 1725, due primarily to the malt-tax, was stimulated by a suspicion that the Government, under cover of precautions against smuggling, was conspiring with the English tobacco ports to strangle its American traffic. The new regulations, whether justifiable or not, diminished the volume of trade; but ten years later, at the close of a period of depression, Glasgow had still 27 vessels trading to

¹ *House of Lords' Manuscripts*, New Series, ii. 416, 424, 441, 442, 446, 449, 464, 489. The trade laws soon fell almost wholly into abeyance. When the conscientious George Grenville in 1764 attempted to enforce them, the revenue from American Customs was only £2,000 a year, whilst the cost of collection was over £7,000; and Grenville, as we all know, "lost America because he read the American despatches."

Virginia, Boston and the West Indies;¹ and by the middle of the century it had so far outstripped its rivals, Whitehaven, Liverpool and Bristol, that London was the only city which imported a greater quantity of tobacco than was brought to the Clyde. From 1707 to 1710 the people of Greenock had put themselves to great expense in constructing a circular harbour intersected by a middle pier; and in 1719, just a year later than Glasgow, they made their first venture to America in one of their own ships. To meet the demand for manufactures in the colonies, various industries sprang up. The making of linen was introduced into Glasgow in 1725, that of thread in 1731; in 1738 an iron-work, and in 1740 "a prodigious large" tannery, was established. The thread industry of Paisley dates from 1722, and within about twenty years it is said to have employed 93 mills.² The western districts had long been proverbial for the extravagance of their Presbyterianism and the intolerance of their creed; but a new spirit now appeared; and Wodrow may not have been mistaken in attributing the growing liberalism of his neighbours to what he considered their "too great fondness upon trade." Simson, the father of Moderatism, Wishart, Hutcheson and Leechman, the most distinguished of its early exponents, were all connected

¹ Knox's *View of the British Empire*, 1785, p. xxxv.; Gibson's *History of Glasgow*, p. 209. From a table of tobacco-duties appended to the *Cochrane Correspondence*, the years 1732-35 would seem to have been exceptionally good; but the table shows violent fluctuations; and we may suspect that the value of the imports varied no more than the success of the custom-house officials in exacting their dues.

² Gibson's *History of Glasgow*, pp. 206-209, 236, 242, 243, 247; M'Ure's *View of the City of Glasgow*, 1736, pp. 284, 322; Chalmer's *Caledonia*, iii. 806-807; Buckle's *History of Civilisation*, 1891, iii. 174; *Statistical Account*, vii. 88.

with Glasgow; and this city may thus be said to have anticipated the creative influence, material and intellectual, which in the latter half of the century was to be felt throughout the land.

In consideration of its liability to the English national debt, a sum of money, to be applied to certain specified purposes, had been secured to Scotland by the Treaty of Union—definite in so far as it was covered by the immediate payment of £398,085, indefinite in so far as it comprised the proceeds of certain duties; and, in virtue of an amendment introduced by the Scottish Parliament, a sum of £2,000 was to be devoted to industrial interests, and, for the first seven years, was to be used in stimulating the manufacture of coarse wool. By a statute of the twelfth and last year of Queen Anne the Commissioners appointed to dispose of the Equivalent received an acquittance for a sum of £381,509, which they had spent in compensating individuals for losses involved in the alteration of the coinage, in replacing the capital of the African and Indian Company, and in payment of their own expenses; and they were enjoined to employ the balance of about £16,000 in the manner prescribed by the Act of Union. In 1718 another statute directed them to retain in their hands the £14,000 (£2,000 for seven years) appropriated to the wool industry, and enacted, in view of the difficulties they had encountered in distinguishing between debts incurred before the Union and debts incurred for the service of the United Kingdom, that the obligations of England should be discharged in full by the setting aside of two annual funds, one of £10,000, and the other, for the encouragement of fisheries and manufactures, of £2,000. These industries were also to benefit from the malt tax extended to Scotland in

1725 in so far as its produce at 3d. a bushel exceeded £20,000; but no attempt was made to utilise the various funds till in 1727, at the instance of the Convention of Royal Burghs, an Act was passed authorising the appointment for this purpose of twenty-one Commissioners or Trustees. The Convention also procured in the same session a very elaborate Act for the regulation of linen-making,¹ and in this department, to which their attention was specially directed, the Trustees achieved their greatest success. Linen was the Scottish as wool was the English staple; and Lindsay, the member for Edinburgh, who had made so good a speech against the penalty imposed upon the city in consequence of the Porteous Riot, warmly advocated the extension of its manufacture on the principle, afterwards developed by Adam Smith, that each nation should devote itself to that branch of industry in which it has the greatest relative advantage.² In 1727 the manufacture of linen was carried on in 25 counties. Its principal seat then, as it is now, was Forfarshire, but Lanarkshire though fourth on the list in point of quantity, was credited with "the finest spinning." The Trustees offered prizes and premiums, established spinning schools, and invited to Edinburgh a company of French cambric weavers, the site of whose settlement is still commemorated in Picardy Place; and their efforts were so successful that the value of the linen manufactured in Scotland, which in 1728 was

¹ *Statutes at Large*, v. 223, 629, 638.

² *The Interest of Scotland Considered*, 1733, pp. ii.-iv. Lindsay was an upholsterer in Edinburgh, and Lord Provost. He is said to have been heir-male of the noble house of Lindsay of the Byres, and his wife was a daughter of the 16th Earl of Crawford.—Chambers's *Domestic Annals*, iii. 547.

£103,312, rose in ten years to £185,000, and in twenty years to £294,000.¹

An indirect result of the attempts thus made to stimulate Scottish industry was a development of the banking business which the Bank of Scotland, incorporated in 1695, the same year as the African and Indian Company, had hitherto monopolised. The Act of 1718, which prescribed the manner in which the Equivalent was to be discharged, provided that the proprietors of the public debt of Scotland, amounting to £248,550, and consisting of arrears of salary, should be incorporated into a Company whose income was to be the annual fund of £10,000 payable by Government as interest on this sum. In 1727 such of the proprietors as pleased to transfer their stock were formed into a new Company, known as the Royal Bank of Scotland; and soon after its incorporation in 1746 the British Linen Company, formed, as the name implies, to trade in linen, confined itself to assisting manufacturers with loans of money, and thus became all but nominally a bank.²

The facts just mentioned are probably the most hopeful that can be adduced in regard to the economic condition of Scotland during the first forty years of the Union. The industrial outlook was still dark, and the light, visible in some quarters, had not yet diffused itself across the sky. On the eastern seaboard there was nothing at all analogous to the commercial energy which contact with America had aroused on the banks of the Clyde. Edinburgh still lamented the loss of business consequent on the removal of its "shadow

¹ Bremner's *Industries of Scotland*, pp. 217, 220, 224; Lindsay's *Interest of Scotland*, p. 153.

² Kerr's *History of Banking in Scotland*, pp. 35-37, 58-59.

of a court"; the overland traffic with England, supplanting the cambrics and East India goods formerly imported from Holland, had proved so prejudicial to the Fife seaports that in 1733 an English traveller, who was certainly no pessimist, described them as "heaps of decay";¹ the shipping of Leith, 1,702 tons in 1692, had increased only to 2,285 tons in 1744—an amount which was much more than doubled within the next eight years;² the population of Dundee, 12,000 in 1755, decreased during the period 1680-1746 from 6,580 to 5,302;³ Aberdeen had attempted, but failed, to obtain a share of the plantation trade;⁴ and the fishing industry suffered from the salt duties and still more from the superior attractions of smuggling. This practice, which prevailed almost all round the coast, except at Aberdeen and Glasgow, was a most serious evil. It discouraged the fair trader and diverted traffic from the ports, especially in Fife; it injured the brewer and distiller by introducing great quantities of contraband brandy and tea; it diminished the revenue; and in almost every case, despite its speculative gains, it added to the general discontent by bringing ruin on the smuggler himself.⁵ Lindsay in 1735 described the linen industry as "the only way now left to us to prevent our utter ruin";⁶ and, nearly forty years after Scotland had united itself with England, a patriotic pamphleteer

¹ *A Journey through Scotland*, 1733, p. 81: Lindsay, p. 99.

² Campbell's *History of Leith*, 1827, p. 254.

³ Thomson's *History of Dundee*, p. 252.

⁴ Knox's *British Empire*, p. v.

⁵ *Some Considerations on the Present State of Scotland*, 1744, attributed to Duncan Forbes.

⁶ *Reasons for Encouraging the Linen Manufacture*, p. 52.

suggested remedies for "its declining and sinking condition."¹

In the rural districts there was little promise of the agricultural revolution which in England, though very far from complete, had made considerable progress in the preceding century. The land was still cultivated on the primitive "run-rig" system, every field being divided into so many "rigs" or ridges, which were tilled by different tenants, and, being serpentine in form, were apt to retain the water. The farm was divided into "infield" and "outfield," the former of which was constantly cropped either with oats or barley, and the greater part of the latter, being used for grazing, was always allowed to lie waste. Except round country seats and farm-yards, there were no enclosures—no dykes, fences or hedges, and the cattle suffered both from want of clean pasture and from the constant herding necessary to preserve the corn.² As long leases were unknown and as the ridges were usually re-allotted every year, the farmer could have no interest in improving his land; and, though progress was undoubtedly being made under the guidance of enterprising landowners during the latter years of this period, no great advance had been attained before its close.³

¹ *The Present State of Scotland Considered*, 1745.

² An English writer of 1687 says: "The hedges being well planted with trees affords shelter and shadow for the cattle both in summer and winter, which else would destroy more with their feet than they eat with their mouth, and might lose more of their fat and flesh in one hot day than they gain in three cool days."—Cunningham's *English Industry and Commerce*, ii. 182.

³ I have taken most of these facts from Mr. Graham's instructive and most entertaining book, *The Social Life of Scotland in the Eighteenth Century*, edition 1901. Mr. Graham regards (p. 183) the rent of land as "almost stationary" from 1640 to 1740; but this is probably an exagger-

It is said that the financial disaster of 1720, known as the South Sea Bubble, gave the first impulse to agricultural improvement in Scotland, since landowners who had been enticed into Change Alley sought to "raise that out of the land which they had lost in the sea";¹ and it was certainly about this period that the earliest attempts were made to improve the system of tillage. In 1723 an Agricultural Society was formed, and soon afterwards quite a number of treatises on husbandry were published—two of them by Brigadier Macintosh. Fallowing, the practice of ploughing without cropping the land, was introduced by the Earl of Haddington, a member of the Squadrone, and as early as 1724 was common throughout East Lothian on all the strong soils to which it is best adapted. About ten years later, Cockburn of Ormiston, another East Lothian proprietor, attempted to cultivate turnips, the culture of which was then being practised with great success by Lord Townshend on his Norfolk estate; and both Cockburn and Lord Haddington made experiments in the growing of artificial grasses.² These, however, could not thrive till the ground had been more thoroughly cleaned; and the cultivation of turnips, which was to prove more effectual for this purpose than fallowing, and was also to improve greatly

ation if not a mistake. The pamphleteer cited in the next note alludes to a rise in rent after 1720; and Brown in his *History of Glasgow* (ii. 167) mentions that the rents of the estates forfeited in 1715 had doubled in 1745. In a letter from the Royal Burghs appended to Forbes's *Considerations* it is stated that "the disposition to cultivate and improve waste and muirish grounds, which diffused itself amongst the gentry all over the country, was one of the most promising circumstances that attended the Union."

¹ *A Short Inquiry into the Cause of the General Non-Improvement of Land in Scotland*, 1731, p. 6.

² Somerville's *View of Agriculture in East Lothian*, pp. 92, 140, 152-153.

the breed of cattle, made little or no progress till it was re-introduced from Norfolk after 1760. In 1724 the landowners of Galloway provoked a popular rising by evicting a number of their tenants in order to "park" their lands for the rearing of Irish cattle;¹ and enclosures for the mere purpose of protecting the fields, though warmly advocated by all the writers on husbandry, and adopted at this time by Cockburn, met with much opposition and advanced at a very slow rate. In his own county forty years elapsed before Cockburn's example was generally followed; nine-tenths of all the fences in Ayrshire were formed after 1766; in 1780 the process had not even begun in Renfrew; and in 1800 only a third of Fife was completely enclosed.²

Various measures had been adopted to prevent the recurrence of such a danger as had resulted from the condition of the Highlands in 1715, and, with the outbreak of war in 1739, their value was likely to be tried. The first of these was an Act which imposed fines on all Highlanders who after the first of November, 1716, should be found to use or possess arms, and which contained the important, but wholly ineffective, provision, directed against "one of the greatest means of raising and carrying on the late unhappy rebellion," that the military services exacted by superiors from their vassals should be converted into a pecuniary charge. This statute was better calculated to weaken the friends of the Government than its enemies, particularly as persons who had remained loyal, and

¹ Adv. Libr. Pamphlets, 8; *Analecta*, iii. 157-159.

² *Views of Agriculture* in the counties mentioned. Enclosing began earlier in England, but its progress was almost equally slow.—Cunningham, ii. 371.

apparently these only, were to receive the full value of their arms. General Wade, after traversing the Highlands in the summer of 1724, reported that the fines had not been levied and could not have been paid, that the authorities had been deceived by the delivery of broken and useless weapons, which in many cases had been imported from Holland; and on his recommendation a much more stringent Act was passed in 1725, empowering the Lords Lieutenants to call, and if necessary to search for, arms, and providing that all who retained or secreted weapons, when required to give them up, should be forced to serve as regular soldiers. Wade, in describing the results of this Act as executed by himself, reported that 2,685 arms had been surrendered, and that men who had formerly appeared at church and market with muskets and swords had now "only a staff in their hands."¹ He admitted, however, that the southern clans had not proved so compliant as the northern, that the arms collected were "a mixture of good and bad," and that, from the effects of exposure and carriage, the whole consignment was "little more worth than the value of the iron." These statements agree very well with a letter of Lockhart to the Chevalier, in which it is said that the Highland chiefs "were determined to submit in so far as to pretend a great readiness to comply and give up part of their arms, but withall to keep and secure the best."²

¹ So, too, Duncan Forbes: "A great stick is become as fashionable an instrument in a Highlander's hand as a broad-sword or pistol by his side used formerly to be."—MSS. quoted in Burton's *Lives of Lovat and Forbes*, p. 329.

² *Statutes at Large*, v. 90, 541; Burt's *Letters*, ii. 276, 284, 308-310; Lockhart *Papers*, ii. 189.

Whatever may have been Wade's success in enforcing the Disarming Act, it was certainly much inferior to his achievements as a military engineer. In order to secure the great valley intersecting the Highlands from the west coast, where it was guarded by Fort-William, to the Moray Firth, and now traversed by the Caledonian Canal, he built Fort George and Fort Augustus at the extremities of Loch Ness, connecting them by an armed galley which he placed on the loch; and this barrier formed part of a line of communication extending not only to Fort William, but to Perth and Stirling, and comprising forty bridges, the longest of which spanned the Tay, and 250 miles of good road.¹ The carrying out of these extensive works, which occupied eleven years, had a social as well as a political object; and, with a view to putting down the disorder and cattle-lifting which still prevailed in the Highlands, Wade proposed to revive a species of police, known from the colour of its tartan as the Black Watch, which had been formed in the reign of William, but which, owing to suspicions of its fidelity, had been dissolved after the rising of 1715.² The nucleus of this force was raised in 1725, and, four or five years later, it was formed into six independent companies led by Highland officers, but subject to martial law and to the General commanding in the north. The coveted privilege of wearing arms attracted a superior class of recruits—so superior, indeed, that “it was no uncommon thing to see private soldiers riding to the exercising ground, followed by servants carrying their firelocks and uniforms”;³ and the corps became so

¹ Burt's *Letters*, i. 39; ii. 184-185, 212, 219, 282.

² *Ibid.*, ii. 260-263, 281.

³ Stewart's *Sketches of the Highlanders*, i. 226.

popular that none were accepted but men of full stature and fine physique. In 1738, on the eve of war with Spain, Duncan Forbes proposed to utilise the warlike spirit of the Highlanders by raising four or five regiments to be officered and manned, the colonel excepted, from the disaffected clans. Walpole cordially approved of this advice, the adoption of which at a later time was to enhance the fame of Chatham. His colleagues, however, objected that the taking of such a step would enable the Opposition to say that he was enlisting an alien force to overthrow the constitution;¹ and he contented himself with making the experiment on a smaller and less pretentious scale. In 1740 the six Highland companies were raised to ten, and embodied as a line regiment which was known as the 43rd, afterwards the 42nd, but which retained in its own country the appellation of the Black Watch. On being called up to London in 1743, a large number of the men deserted and attempted to return to Scotland, from an objection to foreign service or because they believed that they were to be transported as Jacobites to the plantations; but the stigma of this incident was completely effaced when at Fontenoy the regiment received its baptism of fire. On that disastrous but not inglorious field the conduct of "the Highland furies," as they were called in a French account of the battle, won the emphatic commendation of the British General; and the task of covering the retreat was assigned to them "as the only regiment that could be kept to their duty." The Earl of Crawford, their first Colonel, commanded in this rearguard action; and, as his old corps filed past him, he "pulled off his hat and returning them thanks said that they had acquired as much

¹ Home's *History of the Rebellion*, pp. 21-23.

honour in covering so great a retreat as if they had gained the battle."¹

When the battle of Fontenoy was fought and lost in May, 1745, the Jacobite conspiracy, dreaded by Walpole, had already burst. Early in 1740 one Drummond of Bochaldy was despatched to the Continent by several Scottish Jacobites, who had pledged themselves to take arms, provided that assistance was obtained from France. Drummond went first to the Pretender at Rome, and then, with a recommendation from that prince and a memorial from his constituents, to Cardinal Fleury, the nonagenarian minister of Louis XV., who received him cordially, but resolved, before committing himself, to make sure of the Jacobites in England as well as in Scotland; and a secret correspondence was set on foot between London and Paris, which, however, had led to no very definite result when Fleury died in January, 1743.² Cardinal Tencin, the chief of three aspirants to his place, was a partisan of the Stewarts; and their cause was now favoured by a deepening of the quarrel in which Great Britain and France, though nominally at peace, had long been engaged as auxiliaries, the one of Austria, the other of Spain and Prussia. In June the British and Hanoverians defeated the French at Dettingen, and soon afterwards an alliance of Great Britain, Austria, and Sardinia was followed by a new and closer alliance of France and Spain. In the course of this year the French Government sent Drummond to Rome to solicit the presence of the Pretender's elder son; and, when Prince Charles Edward arrived at Paris in January, 1744, preparations had almost been completed for

¹ Stewart's *Sketches of the Highlanders*, i. 223-261.

² *State Trials*, xviii. 651-653; Lord Mahon, iii. 43-46.

despatching him from Dunkirk to England with a force, under Marshal Saxe, of 15,000 men. The French fleet, more by accident than design, succeeded in so drawing off the British warships that the coast of Kent was exposed to attack; but the transports, with Prince Charles and the Marshal on board, had no sooner put to sea than they were dissipated, and many of them wrecked, by a violent storm.

Disappointed rather than discouraged by the failure of his expedition, Charles proposed to throw himself on the loyalty of the Highlanders; and this scheme, though discountenanced both by the French Government and by his friends in Scotland, he prepared to execute in the following summer. He purchased a small supply of arms, and was assisted by two Irish merchants naturalised in France, one of whom obtained a man-of-war, the *Elizabeth*, ostensibly for his own use, and the other equipped a privateer or frigate named the *Doutelle*. On board the latter of these vessels, and escorted by the former, Charles set sail from the Loire on June 22 (O.S.), 1745. Off the Cornish coast the *Elizabeth*, which carried most of the arms and ammunition, was engaged by a British ship, and, in the course of a desperate encounter,¹ inflicted and received such damage that both vessels had to return to port. The *Doutelle*, however, continued her voyage; and on July 25 the Prince landed safely in Moidart. As he brought with him only seven persons, and had lost almost all his military

¹"By far the most desperate of any that had happened during the course of the war."—Rapin and Tindal, 2nd edition, xxi. 166. The first edition of this work, in 28 vols., previously cited, stops at 1727.

stores, he found it no easy matter to raise the clans; but on August 19, having collected a few hundred men, he set up his father's standard at Glenfinnan.¹

The campaign in which the military spirit of the Highlands spent its last effort as an independent power is so simple as well as so familiar in outline, and produced so small a disturbance of political conditions, that its history may be very briefly summarised. Throughout the summer of 1745 a rumour had been current in the north, and since the beginning of July had been known to the Edinburgh officials, that the Pretender's elder son was to come over from France; and on August 20, knowing that the Prince had landed in the Highlands and that a revolt had broken out in that region, which, like the affair of Glenshiel in 1719, would probably be more difficult to discover than to suppress, Sir John Cope, the Scottish Commander-in-Chief, advanced from Stirling "to find out the unhappy gentlemen who are in arms."² It soon appeared that the gentlemen in question were no less eager to find out Cope; and on the 27th, when he found himself at Dalwhinnie with only 1400 troops, mostly new and untried, and a superior force of Highlanders holding a pass in his front, the General decided, in accordance with the unanimous opinion of a council of war, to strike north-west to Inverness, where he hoped to be reinforced by some of the loyal clans, and, advancing thence to Aberdeen, to transport his troops southward by sea. At Inverness he was joined by only 200 Munros under a brother of their chief, Sir Robert Munro of Fowlis, late Lieutenant-Colonel of the Black

¹ *The Lyon in Mourning* (Scot. Hist. Soc.), i. 201-207, 281-292.

² *Culloden Papers*, p. 214.

Watch,¹ and, when he disembarked his force at Dunbar on September 18, he learned that the rebels, finding their progress unopposed, had crossed the Forth above Stirling and were now in possession of Edinburgh—the Castle excepted—which had been yielded to them without resistance. The two armies met on the 21st at Prestonpans; and in five minutes the Highlanders, charging sword in hand, completely routed the regular troops, killing about 400 of them and taking 1,200 prisoners. Charles remained more than a month at Edinburgh, reviving the faded glories of Holyrood Palace and paralysing the adherents of the *de facto* sovereign by captivating their female relations;² and on October 31, when he had received reinforcements which brought up his force to the very modest total of 5,500 men, he set out for England. Marshal Wade was lying at Newcastle with some 12,000 veteran troops; but the rebels advanced to the Border in three divisions, proceeding respectively by

¹ At Fontenoy, when his regiment, after the Highland fashion, fell to the ground on receiving a volley, Sir Robert "himself alone, with the colours behind him, stood upright receiving the whole fire of the enemy; and this because (as he said), though he could easily lie down, his great bulk would not suffer him to rise so quickly." In recognition of his gallantry he was promoted to be Colonel of the 37th Regiment, and, disdaining to fly with his men at Falkirk, was cut down, as also was his brother in attempting to defend him. "He was buried the following day with all the homage due to so honourable a man and so gallant a soldier; all the rebel officers and crowds of the men attending his funeral."—*Stewart's Sketches*, i. 254, 255.

² Charles had, it seems, much more fascination for Scottish ladies than they for him, yet "the less he courted them, the faster they followed him."—Dennistoun's *Memoirs of Strange and Lumisden*, i. 82-83. Duncan Forbes said that the most mischievous effect produced in the north by the success of the rebels at Edinburgh and Prestonpans was that "all the fine ladies, if you will except one or two, became passionately fond of the young adventurer and used all their arts and industry for him in the most intemperate manner."—*Culloden Papers*, p. 250.

Kelso, Hawick, and Moffat, which, under the direction of Lord George Murray, an officer who had served in both the previous risings and also in the Sardinian army, were so skilfully combined that on November 9 they met on a moor near Carlisle within the space of two hours;¹ and, this threefold movement having greatly perplexed Wade, who, moreover, was hampered by the necessity of defending the coal-fields² and by the badness both of weather and roads, Carlisle was captured before he had advanced as far as Hexham to its relief. On November 21 Charles continued his march, and on December 6 an extraordinary panic was excited in London when it became known that the Highlanders had eluded the Duke of Cumberland by the same stratagem which they had practised against Wade, and had reached Derby.

London, it soon appeared, was disquieted for nought. The insurgent host had evaded two armies, each far more numerous than itself; but that of Cumberland was close at hand, and a third had been assembled in the vicinity of London. About a thousand of Charles's followers had deserted on the way to Carlisle; the English Jacobites, on the expectation of whose support the whole expedition had been planned, were so far from making good this deficiency that their total levies amounted at most to 300, raised chiefly at Manchester; and there was no likelihood, or at all events no certainty, of a French invasion in the south. These considerations, sufficient of themselves to necessitate a

¹ Johnstone's *Memoirs*, p. 42; Ray's *Complete History of the Rebellion*, 1760, p. 62. Lord George Murray (*Jacobite Memoirs*, p. 47) mentions only two columns, and Mr. Blaikie conjectures that the body which passed through Hawick "comprised impedimenta and followers."—*Itinerary of Prince Charles* (Scot. Hist. Soc.), p. 24, note.

² Rapin and Tindal, second edition, xi. 194.

retreat, became irresistible when, in answer to a demand, which had been sent from Carlisle, for reinforcements, a despatch was received, from which it appeared that Lord John Drummond had landed with some French troops and the promise of many more, that he was precluded by his instructions from crossing the Border, but that—including natives—he had a force available for service in Scotland of some 3,000 men.¹ Charles still insisted on going on; but a council of war unanimously refused to sanction this course; and before daybreak on December 6—"Black Friday" in London—the army had begun to retrace its steps. The retreat was conducted with no less skill, and much more quickly, than the advance; and, after routing some of Cumberland's horse who came up with them near Penrith, the rebels on the 20th reached the Scottish bank of the Esk.

Charles entered Glasgow on the 26th, and remained there for a week. At Stirling he was joined by Lord John Drummond's auxiliaries, which now numbered 4,000; and, having left 1,200 men to besiege the Castle, he advanced with about 8,000 to meet a slightly superior force of Cumberland and Wade's troops under Lieutenant-General Hawley. The rebels were unquestionably victorious in the confused battle, not unlike that of Sheriffmuir, which was fought at Falkirk on January 17, 1746, in the twilight of a wet and stormy afternoon; but the Royalists, with the loss of seven guns and almost all their stores and baggage, were suffered to make good their retreat; and so many of the Highlanders went home after the engagement that the chiefs insisted² on a withdrawal to the north

¹ Fraser's *Earls of Cromartie*, ii. 382, 385; Johnston, pp. 51-53.

² See their address in Home, p. 352.

in order to preserve and recruit the army for a spring campaign. On February 1 the insurgents re-crossed the Forth, and, after reaching Crieff, advanced in three divisions to Inverness, which they captured without difficulty on the 18th. By the beginning of April, though forced to abandon the siege of Fort William, they had taken Fort Augustus, and many less important posts; but on February 25 the Duke of Cumberland, who had superseded Hawley, arrived at Aberdeen; and henceforth they were subjected to a more and more rigorous blockade, since the Duke had not only severed their communication with the Lowlands, but, through the activity of his cruisers and his own occupation of the east coast, was able to intercept all supplies of money and arms from France.

The rebels were in a pitiable condition when Cumberland on April 8 advanced against them from Aberdeen. With the advent of spring, many of the men had returned to their farms; for the last month they had been paid only in oat-meal; and the capture of a sloop, which was bringing £12,000, as well as a large supply of arms and ammunition, made it impossible for the officers to fulfil a promise they had given that the arrears should be discharged in full. Early on the 15th, as soon as it was known at Inverness that Cumberland on the previous night had reached Nairn, the Highland army was drawn up on Drummoissie Moor near Culloden House, the residence of Duncan Forbes, who had taken refuge in Skye. When noon had passed without any sign of the enemy's approach, Lord George Murray sent two officers to examine what he believed to be a much stronger position on the opposite bank of the River Nairn; and, having received a favourable report, he proposed that the army should take its stand there,

and, if it was not attacked, should withdraw still further, so as to detach the Duke from his victualling ships and involve him in operations so unfavourable to regular troops as a hill campaign. To this proposal, approved by most of the officers, it was objected that a retreat would discourage the clans, that it would endanger the town in which were the baggage and ammunition, and that the dearth of provisions made it necessary to fight at once. "This last," wrote Lord George in 1749, "was indeed a great article which had been unaccountably neglected;"¹ for, though both officers and men had received that morning but a single biscuit,² there is said to have been at Inverness a considerable quantity of salt-beef, which had been found in the Castle, and a fortnight's supply of meal. When it appeared that Charles was determined to give battle "in so plain a field," and without waiting for the reinforcements which were known to be coming up, Lord George proposed, as a preferable though perilous alternative, to make a night attack on the enemy's camp; and the Prince at once said that this suggestion had anticipated his own.³ Before evening great numbers of the men had gone off in quest of food, protesting to their officers that they would rather be shot as deserters than starve; and the insurgents met with such difficulties in their march that a retreat was resolved upon, after some dissension, when at two in the morning they

¹ Home, p. 362.

² The biscuit or "bannock" was doubtless unpalatable enough, but it was surely a little unreasonable in Chambers (ii. 72) to judge of it by its taste and appearance eighty-one years later.

³ *Stuart Papers*, quoted by Lord Mahon, iii. 449, note. The Royalists were expected to be in some festive disorder, as the 15th was the Duke's birthday; but observance of the day had, it seems, been forbidden.—Henderson's *History of the Rebellion*, fourth edition, p. 113, note.

were more than three miles from Nairn. To the evils of hunger were now added those of disappointment and fatigue; and, unless Lord George was mistaken in thinking that the commissariat deficiencies might "even then" have been made good, it argues something like infatuation in Charles, anxious as he must have been to defend Inverness, that he still clung to the moor, when, by withdrawing to a defensible position not a mile distant, he might in all probability have secured at least a day's respite to his exhausted troops.¹

The Highlanders, though called to arms within three hours after their return to Culloden, showed no reluctance to fight; but many men were missing;² and the enemy (8,000 to 5,000) was as superior in numbers as in physical condition. The right and centre, after suffering much from the Duke's artillery, broke through two regiments, but were shattered by "a most terrible fire" within pistol shot from his second line; and the rout in this quarter is said to have been complete before the left could receive the order to charge. Within twenty-five minutes the positions of the insurgent army were occupied only by the dead and wounded;³ and the Royalists pressed home their advantage with a cruelty

¹ Home, pp. 361-367; *Jacobite Memoirs*, pp. 120-124; *Lockhart Papers*, ii. 523-530, 535; Maxwell of Kirkconnel's *Narrative* (Maitland Club), pp. 141-148; Johnston, pp. 129-141.

² "Notwithstanding the pains taken by the officers to assemble the men, there were several hundreds absent from the battle, though within a mile of it; some were quite exhausted and not able to crawl, and others asleep in coverts that had not been beat up." Maxwell of Kirkconnel, p. 148. Strange estimated the defaulters at about a thousand.—Dennistoun's *Strange and Lumisden*, i. 65.

³ *Lockhart Papers*, ii. 531; Maxwell of Kirkconnel, p. 153; Dennistoun, i. 65. "Lord George behaved himself with great gallantry, lost his horse, his periwig and bonnet, was amongst the last that left the field, had several cuts with broadswords in his coat, and was covered with blood and dirt."—*The Lyon in Mourning*, i. 87.

which was to be characteristic of their methods in suppressing the revolt. Prince Charles, with a price of £30,000 on his head, was hunted from cover to cover for five months, and it was not till September 20 that he succeeded in embarking for France.¹

In vigour and audacity of execution this rising is a complete contrast to that which had been headed, thirty years earlier, by the Earl of Mar. The insurgents of 1715 were unfortunate in their leader, in the absence of their prince, and in the fact that Great Britain and France were then at peace; but it was greatly in their favour that the sovereign whom they were attempting to depose had been only a year on the throne; and we shall find that the new dynasty and the constitution with which it was identified had, in the course of a generation, gained greatly in strength. The Highlands, once the principal, had now become almost the sole, recruiting ground for the house of Stewart; and it shows how materially Jacobitism had declined in all its strongholds north of the Tay that the 3,200 cavalry which had taken part in the earlier insurrection were represented only by 460,² and that Mar, dilatory and incompetent, had been able to muster a far larger army than was ever commanded by the royal and victorious Charles. A regiment drawn from the clans had recently mitigated, if not averted, a disaster to the British arms; and the great services rendered by the Black Watch at

¹ In his *Itinerary of Prince Charles Edward Stuart*, Mr. Blaikie gives an admirable record of the whole campaign, compiled and copiously annotated from contemporary sources. Jacobite literature is so vast and scattered that such a guide as this is particularly welcome. Sir Walter Scott's narrative in *The Tales of a Grandfather* is still of great value.

² Compare *Annals of George I.*, ii. 87 with Mr. Blaikie's *Itinerary*, p. 93.

Fontenoy, "which were heard all over Britain," resulted, shortly before Prince Charles took the field, in the raising of another Highland corps, 1,250 strong, commanded by the Earl of Loudoun, most of the officers and men belonging to which remained loyal.¹ The Duke of Gordon, whose father as Marquis of Huntly had supported the elder Chevalier with 2,500 horse and foot, was a stout Hanoverian, and counteracted with such success his Jacobite brother, Lord Lewis, that the latter was able to raise only a fraction of his vassals.² Lord Fortrose, the eldest son of Mar's most powerful adherent, the Earl of Seaforth, was a member of the Commons and in arms for the Crown; and almost the whole population of Skye was kept out of the rebellion through the influence of Duncan Forbes with the two insular potentates, Macleod of Macleod and Sir Alexander Macdonald of Sleat.

That one of the national institutions most obnoxious to Jacobitism was believed by its opponents to have consolidated its power may be inferred from a comparison of the manifestoes published by the insurgents in 1715 and in 1745. The Pretender at both of these crises declared against the Union, and his son, when at Edinburgh, proposed to recognise the temporary independence of the kingdom by summoning a Scottish Parliament; but, whilst thus denouncing in somewhat apologetic terms the political settlement which excluded him from the throne, he betrayed his consciousness of

¹ Loudoun's Highlanders were assembled at Inverness and Perth, and the two divisions did not unite till the rebellion had been suppressed. One of three companies which had just been added to the Black Watch was captured at Prestonpans, but not one of the officers or men could be induced to take service with Prince Charles.—Stewart's *Sketches*, i. 265, ii. 4, 7.

² *Spalding Club Miscellany*, i. 410.

the fact that Scottish Presbyterianism had done much to ruin his former undertaking, and was likely to be no less hostile and much more powerful now. In 1715 he had expressed a desire "to see our just rights and those of the Church and people of Scotland"—by which he may have meant the Episcopal Church—"once more settled, in a free, independent Scots Parliament, on their ancient foundation"; but in 1745 Charles as Prince Regent declared in his name that it was his intention "not to impose upon any a religion which they dislike, but to secure them all in the enjoyment of those which are respectively at present established among them, either in Scotland, England or Ireland; and if it shall be deemed proper that any further security be given to the established church or clergy, we hereby promise in his name that he shall pass any law that his Parliament shall judge necessary for that purpose."¹ If the Pretender expected that such a declaration would conciliate the opponents of that Episcopal communion which had long acknowledged him as its secular head, he must soon have realised his mistake.* Throughout the rebellion the Established clergy acquitted themselves in a manner which amply warranted a letter addressed by the Duke of Cumberland to the General Assembly of 1746, in which he thanked them for their "very steady and laudable conduct," and declared that he had "always found them ready and forward to act in their several stations in all such affairs as they could be useful in, though often to their own great hazard." The ministers of Edinburgh were prominent in certain belated preparations which were made to defend the city, and some

¹ *History of the Rebellion extracted from the Scots Magazine*, p. 367. See also Prince Charles's first manifesto, p. 365.

of them actually took arms. The Seceders proved equally zealous, and Ebenezer Erskine not only exerted himself to form a volunteer force at Stirling, but is said to have acted as one of its captains.¹ The same spirit was manifested where Presbyterianism and commerce were alike conspicuous on the banks of the Clyde. Glasgow raised a corps whose steadiness at Falkirk put several line regiments to shame;² and, despite his father's promise to remove "the insupportable burden of the malt-tax," Charles appeared four times in its streets without eliciting a single huzza. The ladies refused to attend a ball given by his officers; and, though "he dressed more elegantly than in any other place," few of them had the curiosity to look out of window as he passed, and those who did so—whether proficient in loyalty or deficient in taste—"declared him not handsome."³ In all this there was little or no contrast between 1715 and 1745; but it certainly was a serious disadvantage to Charles that the last Episcopal parish minister had been thirteen years in his grave, and that the Church which had long been dominant in the southern Lowlands was now taking root in the north. Lord Lewis Gordon found that the influence of the Established clergy was almost as fatal to his recruiting operations in Aberdeenshire as that of his brother, the Duke; and one of his friends, who had engaged "nine servant lads" to take the white cockade, feared that "the diabolical lies of their Presbyterian preacher" had wrought so sudden a change

¹ M'Kerrow's *Secession Church*, i. 263.

² "Though our army was unfortunate at the affair of Falkirk, yet if the Glasgow regiment had not been there, it might have been much more unfortunate, and the victory of the rebels more complete."—Pitt's speech, 1749; *Parl. Hist.*, xiv. 506-7.

³ *Cochrane Correspondence* (Maitland Club), pp. 63, 110, 118.

in their disposition that not one of them would enlist.¹

The Episcopal clergy had now, it seems, dwindled to about 130;² and, though their Jacobitism had been less ostentatious than in 1715, when they extruded parish ministers and congratulated the Pretender in a formal address, it was enough to vitiate the whole communion in the eyes of the English public that its pastors were, to a man, non-jurors, and that its bishops had long been, and were supposed still to be, appointed on a warrant from the exiled Prince.³ Cumberland during his operations in the north destroyed many of the meeting-houses, and in June, 1746, all such places of worship in Edinburgh were ordered to be closed. In this summer an Act was passed requiring the imprisonment, and, for a second offence, the transportation, of all Episcopal pastors who after September 1 should officiate to five or more persons or, if the service was held in a dwelling, to such numbers exclusive of the family, without having taken the oaths and registered their letters of orders, and without praying for the King. Only five or six persons qualified in terms of this law, two of whom afterwards withdrew; and the rest of the clergy, giving up their public services, contented themselves with ministering to fractional portions of their flocks. The Act also provided that after

¹ *Spalding Club Miscellany*, i. 403, 410, 422; Ray's *Compleat History*, p. 175.

² Grub, iv. 32, note.

³ Ramsay (*Scotland and Scotsmen*, ii. 489) mentions as "not incurious that a great majority of the insurgents were nominally Presbyterians." Their character as such must certainly have been nominal if Stewart (Appendix, p. 1.) is right in saying that in the early part of the 18th century Highland ministers were directed to preach and exhort in English. At Kirkhill, in the Presbytery of Inverness, a presentee was rejected because he did not know Gaelic, but this was in 1772.—*Fasti*, v. 264.

September 1 no letters of orders should be admitted to be registered other than those granted by a bishop of the Church of England or of Ireland; and, in order to determine a question which had been raised, whether Scottish ordination was valid if registered before this date, it was enacted in 1748 that after September 29 of that year all but English and Irish orders, no matter when they had been registered, should be void. This was certainly a most severe law, since, whatever provision might be made for the extension of the English or Irish hierarchy, it practically proscribed what was known to its own members as the Episcopal Church of Scotland. The clause in question was opposed by all the prelates in the Upper House; but, after being struck out in committee, it was re-inserted at the report stage by five votes, chiefly on the ground, which, whether relevant or not, was unfortunately too true, that none but avowed Jacobites could be ordained by a Scottish bishop.¹

The Duke of Cumberland followed up his victory at Culloden by a summer campaign of burning, slaying and plundering amongst the disaffected clans; and before the series of trials had terminated, in the course of which some eighty of the prisoners, including Lords Balmerino, Kilmarnock and Lovat, were sacrificed to the offended majesty of the law, Parliament was engaged, not only in persecuting Scottish Episcopalians, but in the less invidious task of devising certain protective and remedial measures. The first of these was a Disarming Act, far more rigorously enforced than that of 1725, but not quite so severe in point of form, since the penalty of enlistment was not to be enacted in the case of offenders—a very

¹ *Statutes at Large*, vi. 701, vii. 125; Grub, iv. 33-41; Stephen, iv. 325.

limited class—who could afford to pay a fine of £15. When the earlier measure was under consideration, an amendment had been moved, but rejected, to proscribe the Highland dress;¹ and it was now forbidden under a penalty, for the first offence, of six months' imprisonment, and, for the second, of transportation, to wear any part of that garb, whether plaid, kilt, trews, or shoulder-belt, or even to use tartan for coats. This clause was to come into force a year after the disarming provisions, on August 1, 1747; but, owing doubtless to the hardship involved in depriving a whole population of the only garments they possessed or were accustomed to make for themselves, the restriction was subsequently postponed in the case of all but land-owners and their sons, first to August 1, 1748, and then to August 1, 1749.²

It has been mentioned that the first Disarming Act, that of 1716, contained a provision that the personal services due to superiors should be commuted for money; but, as such services were now exacted only in the Highlands where clanship was more potent than law, few vassals had claimed the benefit of this clause,³

¹ *An Enquiry into the Causes of the late Rebellion and the proper methods for preventing the like misfortune for the future*, 1746, p. 26.

² *Statutes at Large*, vi. 708, vii. 80, 127. The unfortunate Highlander was required to swear, under the sanction of a most exhaustive curse on himself and his family, that he neither had nor should have any arms, and that he should never wear his accustomed dress.—Brown's *History of the Highlands*, iii. 414. Some ingenious Celts evaded the law by stitching up the kilt in the middle or by carrying breeches slung over their shoulders.—Stewart's *Sketches*, i. 113. On the policy of the Disarming Acts, see the *Enquiry* cited in the preceding note—a really admirable essay, showing acuteness and wide knowledge, and written in a most humane and enlightened spirit.

³ It was acted upon by Duncan Forbes in 1737 in renewing certain leases for the Duke of Argyll in the Western Isles.—Argyll's *Scotland As It Was and As It Is*, ii. 35.

enforced though it was by a decree of the Court of Session; and it required another rebellion, followed by prosecutions for treason in which the plea of constraint was frequently tendered, and sometimes accepted, on behalf of the accused,¹ to bring home to Parliament—under some misapprehension, it is true—the necessity of sweeping away the whole system by which coercive powers could be exercised by individuals to the detriment of the public peace. This was accomplished by two statutes, the first of which transferred to the Crown the jurisdictions incident to feudalism which in England had been reduced to insignificance by the Great Charter of 1215, and the second put an end to the holding of land in ward, or, in other words, on condition of military service, which, under the designation of knight service, had been abolished in England by a resolution of the Long Parliament in 1645, and by statute at the Restoration. In return for a pecuniary equivalent, to be fixed by the Court of Session,² the office of sheriff was taken away from all who held it in hereditary right, and its judicial functions, the exercise of which had been delegated, more or less, to a sheriff-depute, were assigned to the latter, who in future was to be appointed by the Crown, and was to receive a fixed salary, instead of making what he could out of fines and fees. With some slight exceptions, and the same claim to compensation, the jurisdiction

¹ A Captain Forbes was acquitted on the ground "that he was forced from his family and frequently, while at Carlisle, attempted to escape over the walls in women's clothes, but was prevented by the guard."—*History of the Rebellion from the Scots Magazine*, p. 341. There were other cases of this kind.

² A volume in the Signet Library contains all the claims for compensation, 160 in number, and amounting to £602,127. Only 75 claims were sustained, and the sum awarded was £152,237.—*Acts of Sederunt*, 1553-1790, p. 417.

of lords of regality and of barons was also annulled. In regard to the military tenures, ward-holding, where the lands were held directly of the Crown, was converted into what was called blench-holding, that is, into freehold qualified only by the rendering of a trifling service or the payment of a nominal sum; and, where the lands were held of a subject superior, the casualties and services incident to ward-holding were commuted for payment of a feu-duty in money or kind.¹

Had these measures been dependent for their justification on the crisis through which the country had just passed, they might never have become law. In the rising of 1715, which was comparatively widespread, the influence of feudalism had in a good many instances been exerted against the Crown; but the rebellion of 1745 drew almost its whole strength from the Highland chiefs, very few of whom had any right of jurisdiction,² and whose power, had they generally possessed such a right, could hardly have been greater than it was. At least three of the Scottish nobles opposed the Heritable Jurisdictions Bill, though none of them were included amongst the ten peers who recorded their dissent; and, in so far as the measure was inspired by the late revolt, the argument was unanswerable that it could have no effect—at all events,

¹ *Statutes at Large*, vii. 61, 77; Green's *Encyclopaedia of Scots Law*, xi. 305; Wood's *Lectures on Conveyancing*, pp. 122-124.

² If we except the Dukes of Argyll, Gordon and Athol, only three heads of clans, Macintosh, Menzies and Grant, applied for compensation, and only in the third case was the claim sustained. The Regality of Grant had been erected as late as 1695, and Sir Ludovic was able to prove that it had been in continuous use. Jacobite chiefs could not, of course, appear as suitors; but it was assumed in the parliamentary debates that the chiefs in general had no right of jurisdiction.

no direct effect—on “the blind obedience which the Highlanders pay to their chiefs.” The spirit of clan-ship, dependent on sentiment and tradition and unknown or rather obnoxious to the law, could be dissipated only by the growth of those industrial habits which had long since extinguished it on the Border; and Duncan Forbes, in whose opinion disarming was “the most important medicine,” attached very little significance to anything he had “heard spoken of relating to the ward-holdings and jurisdictions.”¹ But the proposal to abolish feudalism as a system of government, though it may have originated in a misreading of the rebellion, was advocated on quite different grounds; and the attitude of its supporters was happily illustrated by a speaker in the Commons, who quoted the commendation bestowed by Lord Bacon on the laws of Henry VII. as “deep and not vulgar, not made upon the spur of particular occasion for the present, but out of providence for the future.”² Patriarchal sentiment and baronial charters might be diametrically opposed;³ but both involved the intrusion of an intermediate authority between the subject and the Crown; and, so long as Lowland landowners were entitled to command, and to dispense justice to, their

¹ *Culloden Papers*, p. 288.

² *Parl. Hist.*, xiv. 48. This, however, is not the spirit of English legislation.

³ The distinction is admirably developed in his *Scotland As It Was and As It Is* by the late Duke of Argyll, who shows (i. 229) that the Scottish Parliament called upon landowners “to resist to the utmost the unlawful powers of chiefs over their tenants.” The Duke, however, is mistaken in thinking (ii. 53) that the Heritable Jurisdictions Bill was draughted by the Court of Session. The Court declined “to prepare the draught of the Bill expected,” and merely suggested certain reforms, which, though adopted in some respects, were deemed “inadequate to the mischief.”—*Parl. Hist.*, xiv. 6, 18.

vassals, it could not seem unnatural that the chief should exercise the same power over his clan. In fact, the diffusion of an atmosphere more favourable to social progress and fraught with much less danger to the State was the most signal benefit to be expected from the abolition of privileges, which, however, in themselves were burdensome enough. Many of the privileges in question had been so long obsolete that only a minority of those who applied for compensation succeeded in establishing their claims; but the sheriffs, and in most cases the lords of regality, though they seldom ventured to inflict capital punishment, had still an extensive jurisdiction, both civil and criminal; and it was impossible to defend a system under which an important judicial office was exercised by a man who held it in hereditary right, who had many inducements not to be impartial, and who had no more knowledge of law than his "illiterate deputes."¹

The relics of feudalism could not, however, be swept away without a modification, or rather a development, of the treaty concluded between the two kingdoms in 1707; and for this reason the Court of Session had declined to comply with an order of the House of Lords directing them to prepare a Bill for remedying the inconveniences arising from the heritable jurisdictions and for facilitating the regular administration of justice, and, whilst not denying the competence of Parliament to effect a more drastic change, had contented themselves with suggesting certain improvements on the existing system. We have seen that the

¹ Ramsay's *Scotland and Scotemen*, ii. 500. The last hereditary sheriff of Galloway used to silence the disputation of lawyers in his court by calling them "schoondrels! blethering loons!"—Agnew's *Hereditary Sheriffs of Galloway*, ii. 263.

framers of the Union had endeavoured, however vainly, to put some of its provisions beyond the possibility of repeal; but in this case no such attempt had been made. The 20th article provided that heritable offices and superiorities¹ should be reserved to their owners as rights of property "in the same manner as they are now enjoyed by the laws of Scotland." The heritable jurisdictions could, therefore, be no more exempt from the authority of the British Parliament than they had been from that of the Scottish Estates; and, in view of their twofold character, a plea for their abolition might be drawn from either of the two heads comprised in the 18th article which laid down that the laws of public policy should be made the same through the United Kingdom, but that the laws of private right should not be altered except for the evident utility of the Scottish people. The argument from expediency, and the sanction it derived both from the nature of a sovereign legislature and from the terms of the Union, were admirably expounded by Lord Chancellor Hardwicke in the powerful, temperate, and luminous speech with which he introduced the Heritable Jurisdictions Bill in the House of Lords. He pointed out that, as the necessity of controlling the judicial powers permitted to the great landowners had given rise to the exorbitant power of the Scottish Privy Council, so the abolition of that court, than which "there never was a wiser measure," must be a very partial benefit if the abuses were allowed to continue which it had sought to restrain; and he showed

¹ Defoe's only objection to this article (*History of the Union*, p. 458) was that the word *superiorities*, entailing "rights of vassalage," had been "brought in," and he regarded the whole article as legally immutable. To judge, however, from the silence on this subject of the *Parliamentary History*, the Ward-Holding Bill encountered little opposition.

a spirit of true statesmanship, worthy of a great occasion, when he refused to base the advocacy of his measure on the rebellion, which had merely drawn attention to an ancient evil, or on the general disaffection of Scotland, which he indignantly denied; when he insisted that the sovereign must forfeit the attachment of his subjects who entrusts the protection of their lives and property to any hands but his own; and when he exhorted his hearers "to fix the allegiance of the people where alone it ought to rest . . . and to diffuse the benefits of this limited monarchy, the foundation of our common freedom, over the whole United Kingdom."¹

This was the last Act to take its place on the statute book as one of a series "for rendering the Union more complete"; and this work may appropriately be concluded with some reflections suggested by the fact that the year which witnessed the completion of the Union witnessed also the death of the Scottish statesman to whom, more than to any of his contemporaries, the consolidation of that great measure may justly be ascribed. Duncan Forbes died on December 10, 1747, and in him the new constitution lost its most zealous, disinterested and enlightened friend. The younger brother of John Forbes of Culoden, whom in 1734 he succeeded in the estate, he had inherited a position which well fitted him to heal what was in great measure a racial feud, for his family, Lowland and commercial in origin and Presbyterian in religion, had migrated in the person of his great-grandfather to the vicinity of Inverness. Culoden was thus an outpost of Whiggism in the heart

¹ *Parl. Hist.*, xiv. 1-22. Lord Hardwicke's speech is here reproduced from a copy printed for the use of his friends.

of a disaffected region ; and the profuse hospitality of the two brothers, "reputed the hardest drinkers in the north,"¹ gave them no small advantage in assailing the prejudices of Jacobite chiefs. Forbes, however, had qualifications for this task much more important than those of birth and residence and convivial habits; for he was as fearless as he was generous, he loved the persons of his political opponents as much as he detested their principles, and no man ever acted more consistently on the Shakespearian maxim: "Strive mightily, but eat and drink as friends." We have seen how as Lord Advocate—and, it may be added, with a higher office in view—he both spoke and voted against the penalty imposed on Edinburgh in consequence of the Porteous Riot; and many years earlier he had shown that in a righteous cause he cared as little for the fury of the mob as for the frown of his official superiors, when at the age of twenty he "put himself in deep mourning" to attend the Worcester prisoners to the scaffold, and "carried the head of Captain Green to the grave."² During the rising of 1715 he held his brother's house against

¹ Ramsay's *Scotland and Scotsmen*, i. 44. The elder brother was familiarly known as "Bumper John." "There lives in our neighbourhood at a house (or Castle) called Culloden a gentleman whose hospitality is almost without bounds. . . . Few go away sober at any time ; and for the greatest part of his guests, in the conclusion they cannot go at all."—Burt's *Letters*, i. 135. "Bumper John" was very active against the rebels in 1715, and, owing to the failure of the Government to recoup his expenses, is said to have lost about £3,000. Duncan Forbes drank much less in his later years, but the limits of sobriety in his case were always very wide. He was a keen golfer, and of his achievements in this respect we are told that he was a long driver, and that "when nigh the hole he tipped with so much caution and circumspection that even a lesson might be learned from him in his innocent amusements."—*Memoirs of the Right Honourable Duncan Forbes*, p. 60.

² *Parl. Hist.*, x. 285.

the rebels, and co-operated with Lovat in the capture of Inverness; but on the suppression of the revolt he addressed a remarkable and almost threatening letter¹ to Walpole in favour of clemency, the authorship of which he took no great pains to conceal; he had himself excused from acting against the prisoners in his capacity of Advocate-Depute; and, unwilling, as he said, to see his countrymen "perish for want of necessary defence or sustenance," he promoted a subscription on behalf of those who were to be tried at Carlisle.²

To assuage the bitter memories of civil war, and by prudence and foresight to prevent its renewal, was now his great aim. He introduced, and, in view of its probable effect on the next generation, warmly advocated the Disarming Act of 1725; but Lockhart's statement that the Bill contained a clause, which was afterwards struck out, prohibiting the Highland dress is obviously a mistake, as Forbes in a letter of 1746, when such a measure was before Parliament, expressed his opinion that it would be most unjust to impose the restriction on all Highlanders, and that to confine it to the disloyal would confirm them in their attachment to the Pretender.³ He was indefatigable at this period in extending his personal and political influence amongst the chiefs, and so successful that he was nicknamed "King Duncan"; and the havoc and bloodshed of

¹ *Culloden Papers*, p. 61.

² Burton's *Lovat and Forbes*, pp. 289, 290. The generosity of Forbes in these and other instances was not tempered with discretion. When at Inverness after the battle of Culloden in 1746, he gave great offence to the Duke of Cumberland by his intimacy with Lady Macintosh, who had raised her husband's clan for the Pretender.—Ramsay's *Scotland and Scotsmen*, i. 54, note.

³ *Culloden Papers*, p. 289.

1745-6 might very probably have been averted, if his proposal to raise Highland regiments, which answered so well in the case of the Black Watch, had been carried out on his own bold and comprehensive plan. No individual did more, no individual did nearly so much, to frustrate the designs of Prince Charles. Though in his sixtieth year and in failing health, he sacrificed the ease and dignity of his position at Edinburgh as Lord President of the Court of Session to face the hardships and dangers of a winter campaign. He failed ultimately to restrain Lovat; but, in the opinion of the rebels themselves, he practically ruined their enterprise by keeping out of it some 2,000 men; he exhausted both his resources and his credit—spending a sum equal to three years' rent of his estate and borrowing £1,500 more—in order to complete the levies for Lord Loudoun's regiment;¹ and this force "was of vast service to the established government"² by cutting off its enemies from their recruiting ground north of Inverness. When peace was restored, the zealous diplomatist and soldier relapsed once more into what Cumberland is said to have described as "that old woman that talked to me about humanity"; and his attitude towards the vanquished was so unwelcome, or was so misrepresented, at Court that he obtained neither reward for his services nor compensation for his loss. It is a scandalous reflection on the Government of George II. that its most distinguished servant in Scotland had to beg the forgiveness of his son for having squandered his fortune in the public cause, that he "who never hitherto was dunned" had now to meet importunate creditors, and that it could be said

¹ See p. 366.

² Maxwell of Kirkconnel, p. 92.

of him that he "died of heart-break."¹ One is glad to know that the legacy of debt was accepted in the unselfish spirit in which it had been incurred, and that the next laird of Culloden, an officer who had fought with distinction at Dettingen and Fontenoy, strove by years of self-denial to remove the burden from his son, hoping to see "him at least free and happy."²

Great, however, as were the political services rendered by Forbes, they are very far from exhausting his merit. Throughout his professional career he set a noble example of devotion to duty and unimpeachable honour; as head of the Court of Session he endeavoured, with extraordinary success, to accelerate the despatch of business, to purify the tone of the bench, and to give weight to its decisions; he took a warm interest in Scottish industries, and was one of several persons who assisted the burghs in procuring the establishment of the present Board of Manufactures;³ himself a Hebrew scholar and an author of some repute, he befriended men of letters and supported for several years the poet Thomson;⁴ as a landlord he was beloved by his tenants; and no tribute to his memory can be more just than that which describes him as displaying "one of those characters which are sometimes to be found in what Hume calls 'the corners of history,' but which deserve to be blazoned at large on its broadest page."⁵

¹ *The Lyon in Mourning*, ii. 362, iii. 75.

² Burton's *Lovat and Forbes*, pp. 384-386.

³ Sir John Clerk's *Memoirs*, p. 132, note.

⁴ *Scots Magazine*, lxiv. 540.

⁵ Lord Cockburn in the *Edinburgh Review*, xxvi. 108.

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